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Nandakumar, Maha Rajah

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THE
T R I A L
OF
Maha Rajah NUNDOCOMAR, Bahader,
FOR
F O R G E R Y.

Published by Authority of the Supreme Court of Judicature
in Bengal.

L O N D O N,

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T R I A L
O F
Maha Rajah NUNDOCOMAR, Bahader,
F O R G E R Y.

JUNE 8th, 1775.

At a Court of Oyer and Terminer, and Goal-delivery, holden in and for the Town of Calcutta, and Factory of Fort William, in Bengal, and the Limits thereof, and the Factories subordinate thereunto, on the Third Day of June, 1775.

Before the Hon. { Sir ELIJAH IMPEY, Knight, Chief Justice,
ROBERT CHAMBERS,
STEPHEN CÆSAR LEMAISTRE, } Esqrs. Justices,
And JOHN HYDE,

The KING, *vers.* Maha Rajah NUNDOCOMAR,

THE Prisoner being called to the bar, and arraigned, and the indictment read, his Counsel tendered a plea to the jurisdiction of the Court; but the Chief Justice pointing out an objection thereto, which went both to the matter of fact and the law contained therein, and desiring the Counsel to consider if he could amend it, and take time for so doing, he, after having considered the objection, thought proper to withdraw the plea; whereupon the Prisoner pleaded, Not Guilty: And being asked by whom he

would be tried? he answered, by God and his Peers. The Court desired to know whether he had any particular reason for using the word Peers? His Counsel answered, that the Prisoner being a man of the first dignity in this kingdom, thought he should be tried by people of equal rank with himself, agreeable to the law of England, which permits every man to be tried by his Peers. The Court asked, who the Maha Rajah considered as his Peers? His Counsel answered, he must leave that to the Court.

B

Chief

THE TRIAL OF

Chief Justice. The trial can only be by such persons as are by the Charter required to form the Jury. A Peer of Ireland tried in England, would be tried by a common Jury. The Charter directs, that in all criminal prosecutions, the Prisoner should be tried by the inhabitants of the town of Calcutta, being British subjects.

It being late, the Court adjourned till the next morning at seven o'clock.

JUNE 9th, 1775.

THE Counsel for the Prisoner informed the Court, that the Maha Rajah had been ill in the night, and had now a flux and fever, which rendered him incapable of taking his trial.

The Court desired Dr. Anderson and Dr. Williams to examine the Prisoner, which they did, and reported that he complained of having been indisposed in the night, but that he had neither flux nor fever, and was very capable of taking his trial; whereupon he was called to the bar.

The Prisoner being informed of his right to challenge when the Jury came to be sworn, challenged the following Gentlemen, from a paper held in his hand:

<i>John Lewis,</i>	<i>Ramsay Hanway,</i>
<i>William Atkinson,</i>	<i>Thomas Adams,</i>
<i>John Williams,</i>	<i>Bernard Messinck,</i>
<i>William Dickson,</i>	<i>William Hamilton Bird,</i>
<i>Richard Johnson,</i>	<i>Charles Moore,</i>
<i>Joshua Nixon,</i>	<i>Alexander Macneil,</i>
<i>Robert Donald,</i>	<i>James Lally,</i>
<i>James Miller,</i>	<i>William Briggs,</i>
<i>Tilly Kettle,</i>	<i>Philip Coales.</i>

The Counsel for the Crown challenged,
Samuel Stalham,

The following Jury was sworn:

<i>Edward Scott,</i>	<i>John Ferguson,</i>
<i>Robert Macfarlin,</i>	<i>Arthur Adie,</i>
<i>Thomas Smith,</i>	<i>John Collis,</i>
<i>Edward Ellerington,</i>	<i>Samuel Touchet,</i>
<i>Joseph Bernard Smith,</i>	<i>Edward Satterthwaite,</i>
<i>John Robinson,</i>	<i>Charles Weston.</i>

The Jury elected Mr. John Robinson their foreman.

Mr. William Chambers, the principal interpreter, not being yet come from Madras, and the two assistant interpreters, on account of their imperfect knowledge of English, being deemed insufficient for a trial so long as this was expected to be, Mr. Alexander Kyn: Elliot, Superintendant of the Khalsa Records, a gentleman eminently skilled in the Persian and Hindostan languages, and Mr. William Jackson, lately admitted an Attorney of the Court, who speaks the Hindostan tongue fluently, were requested, by the Court, to interpret.

The Counsel for the Prisoner desired that the evidence might be interpreted to him in the Hindostan language, as it was most generally understood by the audience, and requested that the interpreter of the Court might be employed for that purpose, and objected to the interpretation of Mr. Elliot, as being connected with persons who the Prisoner considered as his enemies.

Chief Justice. The principal interpreter of the Court is absent; the gentlemen of the Jury have heard the interpretation of the assistant interpreters on other occasions. Do you, Gentlemen, think we shall be able to go thro' this cause, with the assistance of those interpreters only?

Jury. We are sure we shall not be able.

Chief Justice. It is a cruel insinuation against the character of Mr. Elliot. His youth, just rising into life, his family, his known abilities and honour, should have protected him from it.

[Mr. Elliot desired he might decline interpreting.]

Chief Justice. We must insist upon it, that you interpret: you should be above giving way to the imputation: your skill in the languages, and your candour, will show how little ground there is for it.

Mr. Farrer. I hope Mr. Elliot does not think the objection came from me; it was suggested to me.

Chief Justice. Who suggested it?

Mr.

Mr. Farrer. I am not authorised to name the person.

Chief Justice. It was improper to be made, especially as the person who suggested, does not authorise you to avow it.

Jury. We all desire that Mr. Elliot, whose character and abilities we all know, would be so kind as to interpret.

Mr. Farrer. I desire on the part of the Prisoner, that Mr. Elliot would interpret.

Mr. Elliot and Mr. Jackson sworn to interpret.

The Jury being impanelled, were charged with the Prisoner, and the Clerk of the Crown read the indictment as follows:

Town of Calcutta, and Factory of Fort William, in Bengal, I. To wit. THE Jurors for our Lord the King, upon their oath present, That Maha Rajah Nundocomar, Bahader, late inhabitant of the town of Calcutta, and a person subject to the jurisdiction of the Supreme Court of Judicature at Fort William, in Bengal, after the twenty-ninth day of June, in the year of our Lord one thousand seven hundred and twenty-nine, to wit, on the fifteenth day of January, one thousand seven hundred and seventy, in the tenth year of the reign of our sovereign Lord George the Third, King of Great-Britain, at the town of Calcutta aforeaid, with force and arms, feloniously did falsely, make, forge, and counterfeit, and did cause and procure to be falsely made, forged, and counterfeited, a certain bond in the Persian language, purporting to be sealed by one Bollakey Dofs with the seal or chop of him the said Bollakey Dofs, the tenor of which bond is as follows [here the bond is wrote in Persian] with an intent to defraud the said Bollakey Dofs of the sum of forty-eight thousand and twenty-one sicca rupees principal, and of four annas on each rupee of the said principal sum, as premium or profit on the said principal sum, against the form of the statute in that case made and provided, and against the peace of our said Lord the King, his crown and dignity.

And the Jurors aforeaid, upon their oath aforeaid, do further present, that the aforeaid Maha Rajah Nundocomar, Bahader, af-

terwards, to wit, on the fifteenth day of January, in the year last aboveaid, at Calcutta aforeaid, a certain false, forged, and counterfeited bond in the Persian language, purporting to have been sealed by the said Bollakey Dofs, with the seal or chop of him the said Bollakey Dofs, feloniously did utter and publish as a true bond; which said bond is in the words, characters, and figures following, [Persian bond again recited] with an intent to defraud the said Bollakey Dofs of the said sum of forty-eight thousand and twenty-one sicca rupees principal, and of four annas on each rupee of the said principal sum, as premium or profit on the said principal sum; the said Maha Rajah Nundocomar, Bahader, at the time of publishing of the said false, forged, and counterfeited bond by him as aforeaid, then and there, well knowing the said bond to have been false, forged, and counterfeited, against the form of the statute in such case made and provided, and against the peace of our said Lord the King, his crown and dignity.

And the Jurors for our Lord the King, upon their oath do further present, that Maha Rajah Nundocomar, Bahader, late inhabitant in the town of Calcutta, and a person subject to the jurisdiction of the Supreme Court of Judicature, at Fort William in Bengal, on the fifteenth day of January, in the year last aboveaid, with force and arms, at the town of Calcutta aforeaid, feloniously did falsely make, forge, and counterfeit, and did cause to be falsely made, forged, and counterfeited, a certain bond, written in the Persian language, and purporting to be sealed by one Bollakey Dofs (then deceased) in his life time, with the seal or chop of him the said Bollakey Dofs; the tenor of which is as follows [Persian bond again recited] with an intent to defraud Gungabissen and Pudmohun Dofs, executors of the last will and testament of the said Bollakey Dofs, of the sum of forty-eight thousand and twenty-one sicca rupees as principal, and of four annas on each rupee, as a profit or premium on the said principal sum, against the form of the statute in that case made and provided, and against the peace

of our Sovereign Lord the King, his crown and dignity.

And the Jurors aforesaid, upon their oath aforesaid, do further present, that the aforesaid Maha Rajah Nundocomar, Bahader, afterwards, to wit, on the said fifteenth day of January, in the year last aforesaid, at Calcutta aforesaid, a certain false, forged, and counterfeited bond, purporting to be sealed by the said Bollakey Dofs (then deceased) in his life time, with the seal or chop of him the said Bollakey Dofs, feloniously did utter and publish as a true bond; which said bond is in the words, characters, and figures following, to wit, [Persian bond again recited] with an intent to defraud the said Gungabissen and Pudmohun Dofs of the said sum of forty-eight thousand and twenty-one sicca rupees of principal, and of four annas on each rupee of profit or premium on the said principal sum; the said Maha Rajah Nundocomar, Bahader, at the time of publishing the said false, forged, and counterfeited bond, by him as aforesaid, then and there, well knowing the said bond to have been false, forged, and counterfeited, against the form of the statute in such case made and provided, and against the peace of our said Lord the King, his crown and dignity.

And the Jurors for our Lord the King, upon their oath aforesaid, do further present, that on the fifteenth day of January, in the year last aforesaid, Maha Rajah Nundocomar, Bahader, late inhabitant of the town of Calcutta, and a person subject to the jurisdiction of the Supreme Court of Judicature, at Fort William in Bengal, with force and arms, at the town of Calcutta aforesaid, feloniously did falsely make, forge, and counterfeit, and did cause and procure to be falsely made, forged, and counterfeited, a certain writing obligatory in the Persian language, purporting to be sealed by the said Bollakey Dofs, with the seal or chop of him the said Bollakey Dofs, the tenor of which writing obligatory is as follows [Persian bond again recited] with an intent to defraud the said Bollakey Dofs of the sum of forty-eight thousand and twenty-one sicca rupees of principal, and of four an-

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And the Jurors for our Lord the King, upon the oath aforesaid, do further present, that on the fifteenth day of January, in the year last aforesaid, Maha Rajah Nundocomar, Bahader, late inhabitant of the town of Calcutta, and a person subject to the jurisdiction of the Supreme Court of Judicature at Fort William in Bengal, with force and arms, at the town of Calcutta aforesaid, feloniously did falsely make, forge, and counterfeit, and did cause and procure to be falsely made, forged, and counterfeited, a certain writing obligatory in the Persian language, purporting to have been sealed by the said Bollakey Dofs (then deceased) in his life time, with the seal or chop of him the said Bollakey Dofs; the tenor of which writing obligatory

is

MAHA RAJAH NUNDOCOMAR, BAHADER.

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is as follows [Persian bond again recited] with an intent to defraud Gungabissen and Pudmohun Dofs, the executors of the said Bollakey Dofs, of the sum of forty-eight thousand and twenty one sicca rupees of principal sum, against the form of the statute in that case made and provided, and against the peace of our said Lord the King, his crown and dignity.

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and counterfeited, a promissory note for payment of money, in the Persian language, purporting to be sealed by the said Bollakey Dofs, with the seal or chop of him the said Bollakey Dofs; the tenor of which promissory note is as follows, [Persian bond again recited] with an intent to defraud the said Bollakey Dofs of the sum of forty-eight thousand and twenty-one sicca rupees of principal, and of four annas on each rupee of profit or premium on the said principal sum, against the form of the statute in that case made and provided, and against the peace of our said Lord the King, his crown and dignity.

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And the Jurors for our Lord the King, upon their oath aforesaid, do further present, that Maha Rajah Nundocomar, Bahader, late of the town of Calcutta, being a person subject to the Supreme Court of Judicature at Fort William in Bengal, on the fifteenth day of January, in the year aforesaid, with force and arms, at Calcutta aforesaid, feloniously did falsely make, forge, and counterfeit, and did cause and procure to be falsely made, forged, and counterfeited, a certain writing obligatory in the Persian language; the tenor of which certain writing obligatory is as follows, [Persian bond again recited] with an intent to defraud Gungabissen and Hengoo Laul, the two nephews and trustees named in the last will and testament of Bollakey Dofs, deceased, of the sum of forty-eight thousand and twenty-one sicca rupees of principal, and of four annas on each rupee of profit or premium on the said principal sum, against the form of the statute in that case made and provided, and against the said peace of our said Lord the King, his crown and dignity.

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aforesaid, then and there, well knowing the said obligatory writing to have been false, forged, and counterfeited, against the form of the statute in such case made and provided, and against the peace of our said Lord the King, his crown and dignity.

(Signed)

June 7, 1775.

JA. PRITCHARD,
Clerk of the Crown.

(Signed)

W. M. BECKWITH,
Clerk of the Indictment.

TRANSLATE of the PERSIAN BOND,
recited in the Indictment.

I who am Bolaukee Dofs,

AS a pearl necklace, a twisted kulghah, a twisted serpache, and four rings, two of which were of rubies and two of diamonds, were deposited by Rogonaut Roy Geoo, on account of Maha Rajah Nundocomar, Bahader, in the month of Affar, in the Bengal year 1165, with me, in my house at Moorshedabad, that the same might be sold; at the time of the defeat of the army of the Nabob Meer Mahomed Coffim Cawn, the money and effects of the house, together with the aforesaid jewels, were plundered and carried away. In the year 1172, Bengal style, when I arrived in Calcutta, the aforesaid Maha Rajah demanded the beforementioned deposit of jewels; I could not produce the deposit when demanded, and, on account of the bad state of my affairs, was unable to pay the value thereof; I therefore promise and give it in writing, that when I shall receive back the sum of two lacks of rupees, and a little above, which is in the Company's cash at Dacca, according to the method of reckoning of the Company, I have agreed and settled, that the sum of forty-eight thousand and twenty one sicca rupees is the principal of the amount of the said deposit of jewels, which is justly due by me, and over and above that, a premium of four annas upon every rupee. Upon the payment of the aforesaid sum from the Company's cash, I will pay that sum, without excuse and evasion, to the aforesaid Maha Rajah. I have, for the above

It is witnessed,

Meha b
Roy.

It is witnessed,
Scilaubut the
Vakeel of Seat
Bolakee Dofs.

It is witnessed,

Abdehoo
Commaul
Mahomed.

Alabd

Bolaukee
Dofs

of a bond under my signature, that when it is necessary it may be carried into execution.

Written on the seventh day of the month of Bhadoon, in the Bengal year 1172.

The Counsel for the Prisoner desired that the witnesses might be kept separate.

Court. The great number of witnesses in this cause, the difference of their casts, and the length of time the trial is likely to take up, renders it almost impossible to confine them. If any method can be proposed, by which these inconveniencies will be removed, we shall be very ready to grant the request.

After a short debate it was agreed, that peons should attend the witnesses to keep them separate, and prevent any person having communication with them; and that each witness, immediately after having given his evidence, should be kept in the gallery; and that a constable should attend there, to prevent any natives from having access to them.

MOHUN PERSAUD called and sworn on a *voir dire*.

Quest. from Mr. Farrer, Adv. for the Pris. Has Gungabissen made you any promise, in case the Prisoner is convicted?

A. I am to have five per cent. on any money received.

Court. Is it a special promise on this occasion?

A. It is a general commission that I am to have upon all the affairs of Gungabissen.

Q. from Mr. F. Is it a promise in writing, or by word of mouth?

A. It is a written letter of attorney: originally it was a letter of attorney to me, Mr. Hamilton, and Mr. Lodge: the two last withdrew, upon the commitment of the Prisoner. I have likewise in my possession a Nagree letter of attorney, drawn by Mr. Driver.

JAMES DRIVER.

Q. To whom is that Nagree letter of attorney made?

A. It was a power of attorney made to Mohun Persaud, and one John Love. After-

wards I drew one in English, to Mohun Persaud singly.

The Counsel for the Prisoner desiring that the papers might be produced, Mohun Persaud, together with the Clerk of Mr. Janett, Attorney for the Prisoner, was sent to fetch them: upon which the Counsel for the Crown called

COMMAUL O DIN CAWN, sworn upon a *voir dire*.

Quest. from Prisoner's Counsel. Do you know the punishment of perjury by the English law?

Court. You had better tell it him.

Couns. When the life of a man is at stake, if you tell falsely, you will be deemed infamous, put in the pillory, and burnt in the hand.

[Counsel for the Crown desired that the questions might be interpreted to the witness in the Persian language, as the witness understood that language best.]

Court. What language do you understand best?

A. Persian.—[Being again interrogated, he said he understood both equally well, and could answer in either.]

Court. Which can you most easily explain yourself in?

A. I will answer in either. Hindostan is my native language.

Court. Which language will you be examined in?

A. I think I shall be best understood in Persian.

Q. per Pris. Couns. Have you received any money from Mohun Persaud, or any other person, to give evidence on this occasion?

A. No: defend me, good God! I never do such devilish things.

Q. Do you expect any favour or protection, or have you had any promise of money from any person, for giving evidence on this occasion?

A. No.

Sworn in Chief.

Quest. Counsel for Crown. Whose seal is to that bond? [shewn the bond.]

C

A

Ans. It is my seal; but the words signifying "it is witnessed," are not of my signature.

Q. Whose name is expressed in that seal?

A. Obdahu Mahomed Commaul.

Q. Is that your name?

A. That was my original name.

Q. When, or upon what occasion, did you change your name?

A. At the time of the Nabob Nutchum al Dowla, I got a royal title, and I am since called Commaul O Deen Ally Cawn.

Q. Did you affix your seal to that bond?

A. No, I did not.

Q. Can you give an account how it came fixed there?

A. No, I cannot say.

Q. Was the seal ever out of your possession?

A. I sent the seal to Maha Rajah Nundocomar, at Mongheer.

Q. When did you send it?

A. At the time the war between Jaffier Ally Cawn, and Cossim Ally Cawn, subsisted.

Q. Upon what occasion did you send it?

A. When I was released from confinement, Maha Rajah Nundocomar desired a servant of mine to desire me to send my seal to him—my servant had been before that with Maha Rajah Nundocomar.—The representation the man made with regard to sending the seal was this—

Q. per Court. Is that man alive?

A. He was killed that same evening.

Court. What was his name?

A. Eoll Mahomed, my Jemedar. He likewise desired the servant to request me to send a nuzzer with the seal, that he might, with the seal, seal a petition to the Nabob, and present it with the nuzzer. I then delivered to Shaik Cossim Ally, my Consumah, one gold moheer and four rupees, as a nuzzer to Maha Rajah Nundocomar, and one gold moheer and four rupees as a nuzzer to the Nabob; and likewise the seal, of which this is the impression, [pointing to the seal on the bond] in order that he might put them into a bag, that it might be sent by a messenger to Maha Rajah Nundocomar.—The bag was accordingly sent by a messenger.

Court. Do you know the name of that messenger?

A. I do not know what the Cossid's name is; there are twelve hundred at that place.—It is fourteen or fifteen years ago.

Q. Do you know if it was ever received by the Prisoner?

A. I do; for Maha Rajah Nundocomar wrote me a letter in consequence of it. [The letter produced.]

Counsel for Pris. I admit the Maha Rajah had the letter.

Counsel for Crown. Read the letter.

Court. Go through with your evidence.

Couns. for Crown. The letter does not say the seal was received; but it acknowledges the receipt of the letter, and the seal was inclosed in the letter.

Court to Prisoner's Counsel. Do you see the consequence? Do you mean to admit it?

Counsel. I have duly weighed what your Lordship said, and therefore will not admit it.

Witnesses read the letter, of which the following is a translate, omitting unnecessary compliments.

[After the customary compliments]

"I have received your letter, with which I have made myself acquainted, and by which I have been rendered joyful—Thanks to the great God, you have been released. The nuzzer of congratulation which you sent to me, has arrived. May the great God reward you with victories! In consequence of your letter I have got an arzee for you written out; have presented it, together with the nuzzer you have sent for that purpose, to the Nabob; and having received an answer, send it inclosed in this letter. You will be made acquainted with the contents, by inspecting it. With respect to the circumstance of calling you to the army, about which you have written, as the Victorious (the Nabob) intends shortly to leave Mongheer to go to Patna, there is no necessity for your making so long and troublesome a journey; you had better stay some time longer at your own house. When God is willing that the victorious army should return to Moorshedabad, you will attend there, and make me joyful by your company.—Every thing then will be settled

"settled properly.—Rest contented.—Remain certain that I am your friend, and write an account of your health. The cloth you before sent is arrived.—What else shall I write?"

Directed to Shaik Mahomed Cummaul.
Dated the 2d of Rubbee, ul Akher, in the fourth year of the reign.

CROSS EXAMINATION.

Quest. Is it always customary to affix the seal to all arzees presented to the Nabob?

Ans. Yes.—An arzee is never presented to the Nabob without a seal.

Q. Was your seal ever returned?

A. No.

Q. Do you know who has got it?

A. Maha Rajah Nundocomar.

Q. How do you know?

A. I sent it, and never got it back.

Q. Have you ever applied for it?

A. Yes, I have several times. I have likewise complained concerning its not being delivered.

Q. Did you ever receive any answer to those complaints?

A. I demanded the seal of Maha Rajah Nundocomar, who said it was not in his possession. I told Coja Petruse of it: I intended to complain, but Munshy Sudden o dein advised me not.

Q. When would you have made your complaint?

A. At the time when Mr. Palk confined Maha Rajah Nundocomar; it was about three years ago, then Munshey Sudden o dien advised me not to complain, because the Governor had given his son Rajah Gourdas the khallat for the office of Dewan of the city of Morshedabad.

Q. Who did you mean to complain to?

A. To the Governor and to the Audalet.

Q. Did you want to complain to any other person?

A. No.

Q. Did you ever hear of your seal being put to any bond?

A. Yes, Mohun Persaud first told me that my seal was to a bond, and then the Maha Rajah himself told me he had put my seal to a bond; I saw the bond once before himself

[The bond stated in the Indictment produced]

Q. What passed between Mohun Persaud and you upon the time when he told you of the seal?

A. First, he bid me pay 600 rupees; which I owed the estate of Bollakey Dofs. I said, "I am a poor man out of employment; how shall I get the money?"

Q. When was this?

A. It was about two months before Mr. Palk confined the Maha Rajah. It was about two months before I got my post, which is three years since.

C. Go on with your story of what passed between you and Mohun Persaud.

A. Mohun Persaud then asked me if I was a witness on behalf of Maha Rajah to a bond of Bollakey Dofs, or if my seal was affixed to it. I said I was a witness for no man, and that I knew nothing with respect to this matter. He then asked if my seal, with the name of Abdahu Mahomed Cummaul, was fixed to that bond. I then said there may be a great many people of the name of Mahomed Cummaul. I then went to Maha Rajah Nundocomar, and repeated to him what Mohun Persaud had said to me. He said, It is true; having confidence in you I have fixed your seal, which was in my possession, to the bond of Bollakey Dofs. Having sworn, you will give evidence of this before the Gentlemen of Audalet. I answered, How shall I be able to take a false oath? He answered, I had hopes in you. I answered, Men will give up their lives for their masters, but not their religion; have no hopes of me. I then went and informed Coja Petruse and Munshey Sudden o dien of what had passed.

Q. Was Bollakey Dofs alive or dead at the time the seal was sent?

A. He was alive; he had absconded from Mongheer. Some years after, he came to Calcutta.

Q. After you had told Coja Petruse and Munshey Sudden o dien, did you tell it to any others?

A. No.

CROSS EXAMINATION.

Q. When did you change your name?

A.

A. Ten or fifteen days before Mahomed Reza Cawn was appointed Naib Subah. I have got a seal, which was given me at the time, which has got the day and year upon it. I can produce it.

Q. Where is the sunnud?

A. The sunnud is dated some years before I took the title; at the time the King and Colonel Coote were at Patna a sunnud was procured for me by Shitabroy, who sent it to Maha Rajah Nundocomar, who detained it some time in his possession. In the time of the Nabob Nutchum al Dowlah I was appointed to the Foujdarry of Hidgelee, from which time my title commenced.

Q. Where is the sunnud?

A. It is at Hugly, but the great seal is with me.

[Mr. Farrer desired it might be produced, which was agreed to.]

Q. What did the dignity consist of?

A. I was by that means named Cawn, but received no jaghire.

Q. Is it not customary for natives when they receive a title to take it immediately?

A. Whenever the Subah confirms it and gives him a seal, it is then customary to make use of it.

Q. At what time did the Nabob confirm it?

A. Maha Rajah Nundocomar was at that time Naib Dewan. About ten or twenty days after he was dismissed, and Mahomed Reza Cawn was appointed in his place.

Q. Was Nutchum al Dowlah Nabob at the time Colonel Coote and the King were at Patna?

A. He was Nabob at the time the title was "jarree."

Interp. This word literally interpreted means "to flow;" but what is meant by it is, "confirmed."

Q. When did you begin to use the seal with your titles?

A. At the time of the Nabob Nutchum al Dowlah, when two seals were given me, I was appointed Foujdar of Hidgelee, and had two seals, one great and one small one, sent me from the Government.

Q. When a royal title is given to a native,

can he make use of it without the permission of the Nabob?

A. He gets the sunnud, and perhaps a jaghire from the King, but cannot make use of it till a seal has been given by the Nabob, and he is permitted to use it.

Q. How came you to apply to Maha Rajah Nundocomar to draw up your arzee?

A. As I had no connection with the Nabob, why should I draw up an arzee myself? The Maha Rajah desired I would send my seal to put to an arzee, and I did so.

Q. In executing any bonds or deeds, do you make use of your signature or your seal?

A. When I execute a bond on my own account, I write the word *Oolaubd* (the Slave of God) and fix my seal under it. When I witness any paper, I write, "It is witnessed," and fix my seal under those words.

[He produced a paper sealed with the same seal, to prove he had the seal. The Jury compared it with the impression on the bond, and think them the same; each of the impressions shewed a small flaw which was in the original seal. He likewise produced the great seal, which he had from the Soubah.]

Q. Was you ever upon terms of friendship with the Maha Rajah?

A. He was a friend of my father, and my grand-father. We were often in friendship, and often broke off.—The Maha Rajah protected me from ten years of age. When he was Dewan of Mahomed Heha Beg Cawn, I was farmer of Choungi. The first difference, that happened between me and Maha Rajah, was when I was appointed to Hidgelee. It was not a dispute, but a difference of two days.

Q. per Court. What was this dispute about?

A. It begun thus. First he said he would be my security, and afterwards went off from his promise. I got another man to be my security, and afterwards went frequently to Maha Rajah's house.

Q. To what amount was he to be security?

A. The revenue, for which he was to be my security, was between three and four lacks of rupees.

Q. Were

Q. Were you so reconciled together as to live upon friendly terms?

A. Yes.

Q. Who were present when the Maha Rajah acknowledged having put his seal to the bond?

A. No one.

Q. Is it usual for the Maha Rajah to have no attendants?

A. Where he is private, or has business, he is certainly very often alone.

Q. Did he make his acknowledgment more than once?

A. No.

Q. Was it before or after you quarrelled?

A. It was before two or three months.

Q. *per Court.* You say in your examination, "I am witness to no man:" then how came you to produce papers, to shew how you sign your name as witness?

A. I did not mean to no person whatsoever, but to no man upon this occasion.

Q. *per Court to Interp.* Would you, from the idiom of the language, understand him to say, "I am no witness to any man?"

Interp. His own words are, "to a man a witness I am not."—[The witness said this was the idiom of the language, and his common mode of expressions, and mentioned some instances of it.]

Court. Point out the words, "It is witnessed," which you say are not your handwriting. [He points to the words wrote over his seal in the bond.]

Court. Do you mean to say, that the impression of that seal appearing upon the face of this bond is the impression of your seal?

A. I do; that is the place in which I usually write these words.

Court. Have you ever paid the 600 rupees to the estate of Bullakey Dofs?

A. I have. About five or six months after I was appointed to Hidgelee I paid that money. I have got the acquittal.

Counf. for Pris. What did you do for a seal in the intermediate time between the time your seal was sent to Maha Rajah Nundocomar, and the time you had your new one? What seal did you make use of?

A. I had another seal made for me.

Q. Where is that seal?

A. When I got my new title, I destroyed that seal, I defaced it.

Counf. for Crown. Is not that customary upon getting a new title?

A. It is at the option of the party. Some people keep their seal, some are afraid to do it.

Court. Have you any papers with the impression of that seal?

A. How should I have any papers? My house was twice beset by the servants of Mahomed Reza Cawn, and all my papers destroyed.

Q. Was the second seal of the same size and characters as the first?

A. I do not remember.

Q. How came it that you kept the papers you produced, as you said you lost all your papers?

A. I lost most of my papers.—A little box was saved, and these three papers were in that box.

[*Counf. for Prisoner* desires that these three papers may be deposited in Court—they were.

Mr. Farrer, *Counf. for the Prisoner*, observed, that in England a Prisoner, from his knowledge of the language, had an opportunity of hearing the evidence and making his own defence, which Maha Rajah Nundocomar was deprived of: he therefore thought it reasonable that his *Counf.* should be permitted to make a defence for him.]

Court. All the evidence has been given in a language the Prisoner understands. Any defence he chuses to make will be interpreted to the Court.

The *Counf.* also observed, that Commaul o Dien said the Maha Rajah had confessed to him that he had made use of his seal. He must therefore know that he had put his life in his power; was it likely then that he should quarrel with this man on so trifling an occasion, as the being his security?

COJA PETRUSE.

Q. In what language do you chuse to be examined?

A.

A. In Persian, Hindostany, or Portuguese ; but rather in Persian.

Q. Are you acquainted with the last witness, Cum. o Dein?

A. I have known him upwards of twenty years.

Q. Had you any particular conversation with Cummal o Dein, respecting a seal?

A. It was three or four years ago.

C. Tell the particulars of that conversation.

A. I will tell what I remember.—One day I was sitting in my house, Cummal a'din Cawn came to me and said, "My seal is in the possession of Maha Rajah Nundocomar: I wanted to get it again, but could not."—I then asked, why his seal was in the possession of Maha Rajah Nundocomar? He told me, "When Jaffier Ally Cawn was Nabob, he had desired my seal, that he might put it to a request, and get me some employment. I sent it to him in consequence; but he does not now return it to me. I will go to Mr. Barwell, and complain."—This was the conversation that passed between us that day; there was no other conversation. On another day there was, respecting the business of Hedgelee, where he said that Maha Rajah Nundocomar had agreed to stand his security. I said it was very well. Some days after, I asked how that business was settled? He answered, "Maha Rajah Nundocomar is not my security." I asked, how so? He said, "he demands three things from me: First, That I should give a writing, that I was a witness to the bond of Bullucky Dofs, to which my seal is affixed:—Second, That I should represent receipts of money [Burramed, the Persian word] against Mr. Lushington: Third, That I should represent another Burramed against Bussunt Roy. I answered, I cannot sell my religion."

Q. Was you acquainted with Bollakey Dofs?

A. Yes, he used to come to my house.

Q. Was you acquainted with his circumstances?

A. No; I do not know if he was in good or bad circumstances.

Q. from the Jury. You have known Cummal

a'din Cawn twenty years; what is his general character?

A. I never heard he had a bad name.

Q. Has he a good name?

A. I never knew anything bad of him; the world is apt to give good or bad names with very little reason: some speak well, some speak ill of him; I never knew any harm of him.

Q. What is his general character?

A. Ten people speak well of him, to four who speak ill of him.

Q. Is there not now, and has there not been for some time, a declared enmity between you and Maha Rajah Nundocomar?

A. He may have an enmity to me, but I do not know that he has; and I have none to him.

MOONSHEE SUDDER O DEIN called and sworn.

Q. Are you acquainted with Cummal a Din Cawn?

A. Yes, I have known him for near twenty years.

Q. Had you at any time any conversation about his seal being affixed to any bond?

A. I had, in the month of Asfar, Bengat year, 1179.

Q. Do you recollect that conversation? if you do, tell it as well as you can.

A. He was conversing with me about the farm of Hedgelee; the circumstance of the security was mentioned. I said, Now you are a competitor for the farm of Hedgelee, you will undoubtedly be obliged to give security. You are always going backwards and forwards to the house of Maha Rajah Nundocomar: if you can get him to be your security, it will be better. He said, I shall probably not be able to get him to be my security, because he has affixed a seal of mine to a bond of Bollakey Dofs; and he says to me, It is necessary for you to give evidence: but I have refused it, saying, I will not give up my religion. I asked him in what manner the seal had come into Maha Rajah Nundocomar's hands, and how he had fixed it? He answered, I formerly sent him my seal to be fixed to an arzee to be presented by Maha Rajah Nundo-

Nundocomar to the Nabob Jaffer Ally Cawn, and that seal is with him; he now has affixed that seal to a paper of Bollakey Dofs's without my knowledge. I do not therefore now desire him to stand my security.

Q. Did any thing more pass that day?

A. I remember no more that day. He came to me upon another day, and said that Gungabissen would be his security.---I then informed Mr. Barwell, that Gungabissen would be his security; but he answered that security would not be approved of by the Council. Four or five days after, Commaul o Dien Cawn came to me again, and said that by intreaty he had persuaded Maha Rajah Nundocomar to be his security: of this also I informed Mr. Barwell, who said that if he would come and stand his security, it would do. Maha Rajah Nundocomar afterwards wrote a letter to Council respecting his standing security; but whether he did or not, I cannot tell.

Q. Had you any further conversation with Commaul o Dien?

A. I soon after went to Moorshedabad and Dacca: when I returned, Commaul o Dien said to me, Maha Rajah Nundocomar has produced two papers; first, that I should give evidence about the seal of the bond of Bollakey Dofs; second, about standing security for Hedgelee, and said, Take this and sign this, pointing to the two papers. I would not; and afterwards got Lane, Dutt, and others, to be my securities.

[MOHUN PERSAUD returned with the papers.]

Q. by Couns. for Pris. Have you brought all the letters of attorney uncanceled, relative to the estate of Bolaukee Dofs?

A. I have.

Q. Have you any other instrument in writing, relative to the estate of Bolaukee Dofs, besides those you have produced?

A. I have his books.

Q. Have you any other deed, relative to the estate of Bolaukee Dofs, executed to you by Gungabissen?

A. No other.

[The joint power of attorney to Mohun Per

saud; Mr. Hamilton, and Mr. Lodge, is produced. Another to Mohun Persaud and John Love. Another to Mohun Persaud singly, dated sixth of May, 1775, which appeared to be a general power of attorney in English, without any mention of a commission of five per cent.]

Q. Have you the promise of any sum of money, in case the Maha Rajah Nundocomar should be convicted on this trial?

A. None.

MOHUN PERSAUD examined in chief.

Q. How long was you acquainted with Bolaukee Dofs?

A. It is now fourteen years since I first knew him.

Q. How long has he been dead?

A. About six years.

Q. Where did you first know him?

A. At Muxadavad.

Q. When did he come to Calcutta?

A. Ten years ago.

Q. What business did he follow?

A. That of a shroff.

Q. Was he esteemed a man of property?

A. He was thought a rich man.

Q. Had he a house at Banarass?

A. He had a correspondence there.

Q. Did he draw for any considerable sums upon that house?

A. For many sums. He drew one bill to Lord Clive for a lack of rupees.

Q. Was the bill paid?

A. Yes, the money was paid to Mr. Chamier, then resident at Banarass.

Q. Was that money ever repaid by Lord Clive?

A. It was, five months afterwards, to Bolaukee Dofs in his life time.

Q. Was there any account open between Maha Rajah Nundocomar and Bolaukee Dofs?

A. There are debits and credits between them in Bolaukee Dofs's books to a great amount.

Q. Are the books now in being?

A. They are in my possession.

Q. What

Q. What language are the books wrote in?

A. In the Nagry language.

Court. The books must be produced, as we cannot receive parole evidence of their contents.

Mr. Durham, Counsel for the Crown, acquainted the Court that the books were then at hand, in consequence of a notice from the Defendant to produce them, but added that, as they were in the Nagry character, he could not point out the entries to which he meant to have examined Mohun Persaud, and therefore declined making any use of them. The books were then ordered to be kept in Court, for the Defendant's Counsel to avail themselves of them if they should be able.

A Nagree Mounshy was called and sworn. He was ordered to translate a paper, which the Counsel for the Crown said was a general power of attorney to Mohun Persaud and Pudmon Dofs, executed by Bollakey Dofs before he went to Banaras, of which the following is a translate.

The WRITING of BOLLAKEY DOSS.

BEFORE this, being in a bad state of health, for which reason deeming myself obliged to go to Banaras, I have appointed my brother Mohun Persaud and Padmohun Dofs my attornies to transact my business, and to receive and pay, and to answer and make any demands for me, and in paying and receiving whatever durbar expences may be incurred, after my several debts are collected; and whatever remains, after the disbursements of the durbar expences, to be paid to whom it may be due; and of what is due after that I have written in a paper with my own hand, which you will pay.

ACCOUNT whatever concerns DEBTS.

Maha Rajah Nundcomar	10000
Doolub Ram Twarry on account	} 3025
of a bill in Muxadabad	
Gou Mullick	2707 8
On Roy Mohun Sing's house at	} 3500
Moorshedabad, on account of	
a bill	

Golab Dofs Palate	1000
Raganaut Deu Shroft, one bill	506
Nurbaram on bill	850

ACCOUNTS.

My own Factory at Moorsheda-	} 10000
bad, rather more or less	
Poog Kiffou Dofs at Banaras	5000
	<hr/>
	36588 8

Roy hu Persaud's, what will remain due to him on settling his accounts.

Meer Cuttul Ally, whatever may appear.

Besides these, whatever small debts may appear in my papers.

ACCOUNTS, CREDITS.

The English Company at the Dacca Factory.
Nabob Jassaraut Cawn at Dacca.
Meer Amoo Sait at Haugly houses.
One house at Calcutta.
One house at Moorshedabad.
Two houses at Patna, mortgaged for 3500
Chaja Wanyfs principal in China concern 2200
Balance of accounts of salt in partner- } 1500
nership, Gobin dun Dofs
Dacca goods at Banaras, valued at 10,000
Besides this, as by my papers may appear.

To be received from Dr. Fullerton

To be received from Mr. Moore

This is wrote by guefs; and, besides this, whatever may appear from my papers is true debts and credits. Besides this,

The bond of Meer Askruff was sold to Mr. Bolts; the bond of the Court of Cutcherru, as well as the kerranamah, or written agreement, which he gave in the name of Mohun Persaud. He took the seal in the name of Mr. Sparks the Vakeel: upon it Mr. Sparks filed a complaint in the Audalet: you will appear and answer about it. Upon whatever other outstanding balances you shall recover, you shall receive five per cent. whatever contingent expences you may find it necessary to disburse in Calcutta, and papers you shall receive.

receive: I have appointed you my attorney for two years; whether I remain here or not, I have vested you with a power in my affairs, and in payment of money. I am not concerned in trade here.

Dated nine days after the middle of Poos, in the year 1825.

Witnessed Goodharru Signed Kissen Jewin
Perfaud, Mookaus Dofs.
Bollakey Dofs. Signed Bolaukee Dofs,
Witnessed Kissen Jew- Dofs Jevo.
in Dofs. Signed Kissen Jewan
Witnessed Gherub Dofs.
Dofs, Puttick, Dia-
arane Dutt.

To prove this letter of attorney, Kissen Juan Dofs was called in and sworn.

Q. *per Court.* Is that paper your writing?

A. It is my writing and witnessing, but I did not see it executed.

Q. Is the name Kissen Juan Dofs, at the bottom of the paper, written as a witness to the execution?

A. It is written by way of witness.

Q. Of what?

A. As witness to the signature of Bollakey Dofs.

Q. How came you to put your name as a witness to a paper being signed by Bollakey Dofs, if you did not see him sign it?

A. It was carried by Pudmohun Dofs to Chandernagore, signed there by Bollakey Dofs, and brought to me; and I, knowing his handwriting, witnessed it.

Q. Did you witness it as seeing it signed, or as knowing his signature?

A. Seeing Bollakey Dofs's signature to it, I set my name as a witness.

KEREE DOSS PULLOCK called in and sworn.

Q. Do you know this paper? [shewn letter of attorney.]

A. I do; it is a power of attorney from Bollakey Dofs.

Q. Did you see him sign it?

A. I was present, and saw Bollakey Dofs sign his name.

CROSS EXAMINATION.

Q. Where was Bollakey Dofs, when you saw him sign his name to it?

A. At Calcutta.

Q. What house?

A. His own house.

Q. At what hour of the day?

A. I don't know.

Q. Who else was present when it was executed?

A. Mohun Perfaud, Pudmohun Dofs, and Kissen Juan Dofs.

[Question repeated by the Court.]

A. Mohun Perfaud, Pudmohun Dofs, and two or three other people. It is now two or three years ago; how can I remember?

[Mr. Elliot desired to explain Mr. Jackson's interpretation, and said that the witness did not say that Kissen Juan Dofs was present, but that Kissen Juan Dofs's signature was to it; and being again asked if Kissen Juan Dofs was present, answered he was not.]

Q. What did you mean to say about Kissen Juan Dofs?

A. That his signature was to it.

Q. Do you know his hand writing?

A. Yes.

Q. Did you see him sign it?

A. Yes.

Q. Where was he?

A. In Bollakey's Dofs's house.

Q. Was it at the same time Bollakey Dofs signed it?

A. It is six years; I do not recollect. I know Kissen Juan Dofs signed it.

[Mr. Elliot observes he signed it once when he wrote it, and once as a witness.]

Q. *by Couns. for Pris.* You have sworn that Kissen Juan Dofs signed it, then you must know when he signed it.

A. Kissen Juan Dofs wrote the paper, and gave it into the hands of Bollakey Dofs.

Q. Did you see it?

A. Bollakey Dofs gave it me, and desired me to sign it, which I accordingly did in Persian.

D

Q. When

Q. When did Bollakey Dofs sign it, before or after you did?

A. Bollakey Dofs having signed it, gave it me to sign.

Q. Did you see Kissen Juan Dofs sign it?

A. I do not recollect.

Q. Then how do you know that he signed it at all?

A. I know nothing about his signing it.

KISSEN JUAN DOSS called again.

Q. *per Court.* When did you write this paper?

A. Having inspected the papers of Bollakey Dofs which were at Calcutta, I from them drew up this paper.

Q. But when?

A. It may be within two or three months of six years, I cannot speak with precision.

Q. By whose directions and from what materials did you write it?

A. By the directions of Pudmohun Dofs, he is my superior; having both of us inspected Bollackey Dofs's papers, we drew up that paper.

Q. Did you take what you wrote from the books, or from what Pudmohun Dofs told you?

A. What I wrote I took from the books.

Q. If the books are given you, can you point out the parts from whence you drew these papers?

A. I can.

Q. Do you recollect how many books were in your possession?

A. Two books, called the Rôey Nâmah, and the Cotta.

Q. Were those all the books?

A. Our books are drawn up from year to year: in those two books are the contents of this paper.

Q. Were there only two books for each year?

A. When there was a great deal of business in the house, two books were filled up in a year; when not so much, two books might last for four years.

Q. Do you recollect how many books you examined to make up this account?

A. I have been thirteen or fourteen years a servant, and during that time six books have been used.

Q. How many books did you examine to make out that paper?

A. We had three books within the first five years, one called the Kuffara, where every thing is entered fully; from thence it is entered fairer into the Roey Nâmah, and from the Roey Nâmah to the Cotta.

Q. From what particular books did you take this paper?

A. All the books were in my possession; but what is contained in this paper, I extracted from one book, the Cotta. It is the custom to draw up papers from the Cotta; but the Roey Nâmah and the Kuffara being more full, Merchants frequently refer to them in the drawing up of papers.

Q. Are these all the books that contain Bollackey Dofs's transactions?

A. There are two books more besides these three.

[The Court directed all the books to be brought.]

Q. You said before there were six books; how comes it that there are only five now mentioned?

A. One, a Kuffara, is lost; but the substance is extracted into the Cotta.

Q. How came you to sign this paper twice?

A. One signing, which is in the body of the paper, is because it was wrote by me; the other as witnessing, having seen Bollakey Dofs's signature to it.

Q. What is the first date of those three books?

A. Nine years and something less than two months from this time; it is dated the 13th day of Savoon, Naugree stile, 1823. The three books depend upon each other, and begin with the same date.

Q. What is the last date in the books?

A. The second of Maug, Nagree stile, 1827.

Q.

Q. Do the books now produced, contain transactions prior, or subsequent to these?

A. There are two before.

Q. to Mr. Elliot. How does the Nagree and Bengal year differ?

A. The Nagree year begins the first day of Choit; there are 750 years difference between the Nagree and Bengal; the present year is 1832 Nagree, and 1182 Bengal.

Q. Are these the books from which you made out the paper produced?

A. They are.

Q. Are all the transactions between Bollakey Doss and Maha Rajah Nundocomar contained in those books?

A. All the business transacted with Maha Rajah Nundocomar at Calcutta is contained in those books, but what was transacted before he came to Calcutta is not.

Q. Do all the six books you mentioned, relate to transactions at Calcutta?

A. Two books relate to the transactions at the army; he was at that time with the army at Mongheer: what was done there was entered in his books, those are the books not brought. Bollakey Doss remained with the Nabob: whatever he transacted there, is in those books; he had houses at Moorshedabad, and other places, and at each place there was a different set of books: whatever was transacted in those places, was in books there.

Q. How came this account of the debits and credits of Bollakey Doss to be drawn up from three books, when he had separate books at different places?

A. What had his affairs elsewhere to do with a statement of his debts and credits at Calcutta?

Q. Then this paper was only a statement of his debts and credits at Calcutta?

A. Yes.

[Upon inspection of the Persian bond in the indictment, it appeared to bear date in the month of Badoon, 1182, Bengal year, which answers to the Nagree year, 1823.

Mr. DRIVER.

Q. Court. Were those the books deposited in the Mayor's court?

A. Yes.

Q. What other books and papers were delivered from the Court?

A. I have no account of the books and papers delivered from the Court.

[The Court ordered Mr. Sealy, late Register of the Mayor's court, and now Register on the equity side of the court, to attend with the other books and papers in his possession, belonging to the estate of Bollakey Doss.]

SATURDAY, 10th JUNE, 1775.

MOHUN PERSAUD.

Q. HAVE you the two books relating to Bollakey Doss's transactions with the army?

A. I do not know where the two books kept with the army are; I never saw them.

Q. How came you to select those three books?

A. I brought these books, because they contain the Calcutta accounts.

Q. Are these all the books and papers you received from Mr. Sealy?

A. There are many books in the chests. I had two chests of papers from Mr. Sealy; they may contain accounts: these three books were at my house; I have three other books at my own house, which may be brought.

[The Court ordered them to be brought immediately.]

KISSEN JUAN DOSS.

Q. Do you know what are become of the other two books?

A. They are at Mohun Persaud's house, he has taken them out of the chest.

Q. When did he take them out of the chest?

A. Fifteen or twenty days, or perhaps a month ago.

Q. Did you see him take them out of the chest?

A. I took them out of the chest, by Mohun Persaud's order, and carried them to his house.

Q. Did he know what they were when he directed you to take them out?

A.

A. He did know.
Q. At what place did you take them out of the chest?

A. At Mr. Driver's house.

Q. Who were present?

A. Five or six persons, whose names I do not know; Mr. Driver was not there.

Q. How do you know that Mohun Persaud knew the contents of those books?

A. He told me to take out the books of the army, and of Calcutta, out of the chests; he then took them home.

Q. Who kept the key of the chest?

A. [by Mr. Driver,] I think Mohun Persaud; it was given to Gungabissen, and I believe he gave it Mohun Persaud.

KISSEN JUAN DOSS.

Q. Where are the accounts of the first year after Bollakey Doss's arrival at Calcutta?

A. They are in the books of the army accounts.

Q. How comes it so?

A. There was no harm in that, as the balance was put into the new books.

Q. Does that balance contain a balance of the Calcutta accounts only, or of the Calcutta and army accounts?

A. Of all the accounts; when one year ended, the balance was carried to the next year's accounts.*

JUNE 10th, 1775.

MOHUN PERSAUD.

Q. WHEN did Bollakey Doss die?

A. In the month of Assar, Nagree year, 1826, or June, 1769.

Q. Did Bollakey Doss make any will?

A. He left a power of attorney.

Court, The probate is the only proper evidence.

The Probate of the will, of which the following is a translate, was read.

* It being now eleven o'clock, the Court made no adjournment, but one of the Judges at least always remaining in the court, or in a room adjoining, and open to the court, the Jury retired to another adjoining room, under the charge of the Sheriff's officers, to take refreshment and to sleep. The Court met the next day about eight in the morning, and proceeded on the cause; the like was done at the end of each day, and at other times in the trial, when refreshment was necessary.

By the MAYOR'S COURT at Calcutta, at Fort William in Bengal.

(L. S.)

II. MAY, REG^d.

BE IT KNOWN to all men by these presents, that on the eighth day of September last, one thousand seven hundred and sixty-nine, the will of Bollakey Doss, deceased, a copy whereof is hereunto annexed, was exhibited and proved before the court; and administration of all and singular the goods, chattels, and credits of the said deceased, in any wise belonging, was, and is hereby committed to Gungabissen, one of the executors in the said will named, being first sworn, well and truly to administer the same, and to pay the lawfull debts of the deceased; and the legacies in the said will contained, as far as the goods, chattels, and credits of the said deceased shall extend, and the law oblige; and also to exhibit into this court a true and perfect inventory of all the said goods, chattels, and credits, on or before six months from this day; and to render into this court a true and just account of all the effects of the said deceased, on or before the twenty-fourth day of October, which will be in the year of our Lord, one thousand seven hundred and seventy. Dated the day, month, year, and place above mentioned.

Signed, DAVID KILLICAN, Mayor.

Signed, CORNELIUS GOODWIN, Alderman.

Q. What do you know concerning the transactions between Bullakey Doss and Maha Rajah Nundocomar?

A.

Q. The accounts of them are in the Cotta, Nagree year 1825, or 1768 Christian æra.

A. What do you know of Maha Rajah Nundocomar's transactions with Pudmohun Dofs, and Maha Rajah Nundocomar's with Bollakey Dofs in his lifetime?

Q. About five months after the death of Bollakey Dofs, Pudmohun Dofs and Gungabissen obtained the bonds from the Company, on the account of Bollakey Dofs, and carried them to Maha Rajah Nundocomar. In the evening of that day, Pudmohun Dofs informed me of that circumstance. I then shewed Gungabissen the power of attorney granted to me, and which I had before shewn to him, in order to prove to him that ten thousand rupees only were due to Maha Rajah Nundocomar; and the day afterwards, I went to the house of Maha Rajah Nundocomar. He desired me to sit down, and said, The Company's bonds are received; some durbar expences will arise on them. I answered, I am an Attorney; to whom ever money is paid, their names must be written down, and filed in the audalet: to which he answered, What is that to you? I will do it. I then went to my own house: four or five days after, I returned to Maha Rajah Nundocomar: he asked me if Pudmohun Dofs had spoken any words to me; I answered, No: he then said, I and Pudmohun Dofs have drawn out (teekkeeah) three papers; the amount of one is 48021 sicca rupees; the amount of the other two together is 35,000 arcot rupees. I remained silent, and some little time after went home.

Fourteen or fifteen days after, Pudmohun Dofs said to me, Come along with me to the house of Maha Rajah, and take the Company's bonds, which he has received. I with Gungabissen and Pudmohun Dofs accordingly went thither: it was night time, the lamps were burning, and the Maha Rajah was sitting above stairs: we sat down by him, and Maha Rajah called for his escutore and opened it, and took out all the papers that were contained in it, and spread them before him: he cancelled (by tearing the top) a Nagree bond for 10,000 rupees; he also produced the potta of the house, and gave

the cancelled bond and the potta into the hands of Gungabissen; he likewise tore the heads of three Persian papers, and said to Gungabissen, Do you take these.

[Bond shewn him]

Q. Is this one of the papers he cancelled?

A. I did not then know what the papers were, I cannot read Persian; this is one of them. I have since informed myself of the circumstance: at that time I could not tell, I now know that it is for certain. After having torn the tops of the papers Maha Rajah Nundocomar offered them to Gungabissen, who said, Give them to Pudmohun Dofs. Maha Rajah then looked at me sideways angrily, and turning to Pudmohun Dofs said, Do you take the papers. Pudmohun Dofs took them; Pudmohun Dofs and Maha Rajah kept counting by their memories some sums of money on their fingers, but wrote nothing down. Maha Rajah said, I will take eight bonds: having separated the other seven, he put them into the hands of Pudmohun Dofs: there were originally nineteen bonds; the Governor and Council took two, on account of commission due to one Michael; the other seventeen were given to Maha Rajah. When he gave the seven bonds to Pudmohun Dofs, he said, You have before taken two: he answered, I have. Maha Rajah said to Pudmohun Dofs, Indorse the eight bonds I have taken: Pudmohun Dofs answered, I will get them indorsed by Kissen Juan Dofs, the Gomastah of Bollakey Dofs. Maha Rajah put the eight bonds into the hands of Choiton Naut Podar. I, Pudmohun Dofs, Gungabissen, and Choiton Naut, (into whose hands the bonds were put) went out together, and sat down in my bhaita khauna (sitting room). Pudmohun Dofs sent a man to call Kissen Juan Dofs. Kissen Juan Dofs arriving, indorsed the eight bonds, and Pudmohun Dofs gave them to Choiton Naut Podar, who carried them away.

Q. Do you know of any receipt or acknowledgement for those bonds?

A. I was at that time confined in the court of Cutcherry: he never wrote, or signed any

any receipt before me. Pudemohun Dofs took a receipt from him, but I do not know when he got it. [Paper shewn to witness, marked F.] This is the receipt: I know it, because I took a copy out of the Mayor's Court.

Q. Are you sure this is the original?

A. I do not read Persian; the Moushy took the copy by my directions.

Q. Do you know of any further transactions?

A. I know a deal more of Bollakey Dofs's business, but not of these eight bonds.

Q. Did any conversation pass between you and Commaul O'Dien Ally Cawn about this transaction?

A. Some money was due from Commaul O'Dien on account of Bollakey Dofs; I did not know what the amount was. Commaul O'Dien said it was about 600 rupees: I then said, Pay it to me: the demand was made three or four different times. Commaul O'Dien one day came to me at my house, and said, I cannot pay this money, I have none. I then shewed him copies of the different papers I had taken out of the court, and desired him to look at them: he read them, and having read them, said, This is the impression of my seal: when this paper (hkkut) was written I do not know; the name on the seal is mine; where, or when the paper was written I do not know, I am not a witness to it. About four, five, or six months afterwards Commaul O'Dien again came to me, and said, Maha Rajah Nundocomar is security to government for me, for the pergunah of Hidgellee: he says to me, Do three things, and I will be and remain your security: with respect to the bond of Bollakey Dofs say that you are a witness, and having sworn before the Gentlemen of the adawlat give evidence of it: write out also an account of receipts of money (Burrânmud) against Mr. Lushington: write out likewise a Burrânmud against Bassent Roy. Cummaul O'Dien told me, he then answered that he could not speak away his religion: if I can get any one else to stand my security, I will give up all thoughts of him. I at that time sent for Mahomed

Alham, who lives three doors from the house I inhabited, in a house belonging to me: he came to me, and I told him all the Maha Rajah had said to Commaul O'Dien, and likewise told him Commaul O'Dien's answer to Maha Rajah Nundocomar; I likewise said to him—

Court. What you said to Mahomed Alham is no evidence.

Q. Do you know if Bollakey Dofs could write Persian?

A. He neither could read it nor write it, nor did he understand it well.

Q. Did you ever see him execute bonds or other papers?

A. I have seen him. Sometimes he wrote the bonds himself in Nagree, sometimes in Bengal, but always signed them with his own hand: he did not write the body of the bond with his own hand, for he could not write Bengal.

Q. How did he execute bonds?

A. He always put his sign manual to a bond.

Court. [Q. to Mr. Elliot.] What word does he use for bond?

A. Immafook, which is a Persian word; it is *khut* in the Nagree language.

Q. [To witness.] Did he put any thing besides his sign manual?

A. He put his seal to letters; I never heard of his putting his seal to obligatory papers, on which money was to be received.

Q. What is the usual manner of Nagree Merchants executing bonds; do they put their sign manual, or seal?

A. At Agrah, Delhy, Lahore, Guzerat and Surat, it is the custom of Shroffs to get the body of the bond wrote by their Gomastahs, and they sign it with their own hands.

Q. How do Nagree Merchants and Shroffs in Calcutta execute bonds?

A. Shroffs in Calcutta sign a bond, and do not fix any seal.

CROSS EXAMINATION.

Q. Where does Gungabissen now live?

A. In my house.

Q. How

Q. How long has he lived there?
A. It may be two years and a half, or three years.

Q. What age is he, and in what state of health?

A. I do not know his age exactly, he is a young man.

Q. Has he any particular infirmity you know of?

A. He has been sick something above two years; he was at first very ill, then got better; he is now worse.

Q. How long is it since he relapsed?

A. How can I tell when he became worse? He is not a dying man, but very ill.

Q. How do you know that he has got worse?

A. Because he is in my house, I see him every day.

Q. When did he get better?

A. I cannot ascertain that date so exactly to commit it to writing.

Q. I do not ask the exact date; will you tell it as near as you can?

A. Some days he has violent purgings, at other times he gets better; it sometimes continues upon him for ten days, more or less.

Court. Give a positive answer to the question.

A. I cannot tell.

Q. How was he yesterday, how is he to-day?

A. I do not know, I was here all day.

Q. Would not you have heard if he had been so ill as not to be able to come out?

A. I heard nothing of him last night, he has not for a long time been in a state able to go out of the house; some time ago he went twice to the court house to sign papers.

Q. Can you particularize the time?

A. About a month or two months ago, I believe; I cannot tell exactly.

Q. Has he ever been out since he was last at the court house?

A. He has never been out of his house since the time he came to the court house to sign the papers.

Q. Has he since then been so sick as not to be able to go out?

A. He is so weak that he has been obliged to be held up by people when he came out of the house.

Q. Can any person that wanted to see him have access since he went to the court house?

A. Any person having business has access, several have seen him since.

Q. Who has seen him?

A. I do not put a watch over him; how can I tell who has seen him?

Q. Mention one that has seen him?

A. Kissen Juan Dofs, Baul Govin, Kirib Dofs Pattuck.

Q. Do you know any more?

A. A great many people have seen him besides; any body that wishes to see him may.

Court. Q. Name some others?

A. Monic Chud Baboo, the son of Huzzy-mull, Jaggernait Dugonaut Duboo.

The Counsel for the Prisoner, suggesting that Gungabissen was under confinement, and not so ill as alledged by the witness, the court requested Dr. Williams and Dr. Stark to examine Gungabissen, and report to the court whether he could safely come out and give evidence, or not.

Q. You said Bollakey Dofs drew a draught on Benares in favor of Lord Clive for a lack of rupees. Is that transaction in those books?

A. It is.

Court. How do you know it was paid?

A. It appears in the books, a receipt was transmitted from Benaris, and Lord Clive paid the money.

Q. Can you find it out?

A. I can.

Mohun Persaud and Kissen Juan Dofs examined the books, and found the following entry.

[Kissen Juan Dofs.] The particular account of this transaction is in the Rosenamma.

ENTRY read.

"The cotta written in the name of the Dewan Nabkissen.

	R.	
Debit side, page 403	20000	o
420	100000	o
428	7000	o
Making in the whole	127000	o
Credit side, page 427	33517	8
429	93482	8
	127000	o

Court. Give a translation of the Rosenam-
ma, page 424.

"In the name of the Dewan
Nobkissen, 14 Maug, 1822, (Sa-
turday 1st of August) 20000 o

Particulars as follows

Paid by Dukee Ramfeil 14600 o
10000 of which was paid on the 21st of Fa-
gun, and 4600 on the 24th day of the same
month.

Court. Look whether there is any men-
tion of the lack of rupees of Banaris in this
page.

Mr. Elliot. We are not now upon the
lack, but upon the 20000 rupees.

Dr. Williams and Dr. Stark returned from
examining Gungabissen, and inform the court
he was so ill that he could not possibly at-
tend.

Kissen Juan Dofs continues reading from
the Rosenamima.

"Page 424. In the name of the Dewan
Nabkissen, a letter of credit (sefaurush) has
been written upon Bridjoo Mohun Dofs and
Curhick Dofs, on account of Lord Clive, and
paid to Mr. Chamier at Banaris, for which a
receipt was given on the 5th day of Chyte,
one lack of sicca haulee Banaris rupees.

MOHUN PERSAUD, Cross Examination.

Q. Whose property was the money in that
account? was it belonging to Bollakey Dofs,
or the house at Banaris?

A. How should I know? It will appear in
the books.

Q. Has any notice been served upon you
by Mr. Jarut?

A. Yes.

Q. Who was the witnesses to the bond you
say is a false one?

A. Mahomed Cummal Selabut, and Matob
Roy, I believe.

Q. Do you know or can you give any ac-
count of Matob Roy?

A. I never knew, saw, nor heard of Matob
Roy; I may have seen many people of that
name, that I do not know.

Q. Do you know Selabbut?

A. He was of the same cast with me, I
knew him well.

Q. Where is he?

A. Dead.

Q. Where did he die?

A. In Calcutta, in the house of Bollakey
Dofs. Bollakey Dofs was then living.

Q. How long before Bollakey Dofs's death?

A. Bollakey Dofs died in 1826, or 1769.
my house and the house of Bollakey Dofs are
near.

Q. How long before the death of Bollakey
Dofs did Selabut die?

A. I cannot tell exactly, he died some time
in the year 1823 of Nagree, 1767.

Q. What was Selabut?

A. He was a Vakeel of Bollakey Dofs's. I
knew him well, he came to Calcutta before
Bollakey Dofs: he was an Agra Walla; I never
eat rice with him, nor he with me; he would
eat rice which my servants dressed.

Q. What was Selabut's usual method of
attesting papers as a witness?

A. I have seen him frequently with my
own eyes take off his seal, wet two or three
papers, and fix his seal to them.

Q. Was not Selabut bred to some kind of
business with Bollakey Dofs?

A. He was Vakeel of Bollakey Dofs, and
executed whatever business he ordered.

Q. Did

Q. Did he write Nagree?

A. I never saw him; he wrote Persian in my presence: he has also fixed his Persian seal in my presence; I have now in my possession writings of his.

Q. Were Bollakey Dofs and Sielabut of the same cast?

A. They were both Agra Walla's, but I do not know if of the same cast: by Agra, I mean the place he came from.

Court. Was he a Nagree Merchant or Shroff?

A. I do not know.

Q. When did you know, according to your own account; or when did you suspect this a false bond?

A. After the bond had been given by Maha Rajah Nundocomar to Pudmohun Dofs, and I had read it, then I imagined it to be forged.

Q. Was that the first time?

A. From the day on which Maha Rajah Nundocomar mentioned to me Durbar charges, some doubts arose in my mind.

Q. When was it that you first heard mention of the bond?

A. I never heard of it till Pudmohun Dofs shewed it me. Maha Rajah Nundocomar had mentioned a circumstance of three papers, but had not specified this bond.

Q. What were those doubts you mention?

A. That the Durbar charges were not just and fairly charged, because I knew Mr. Verelst, Mr. Cartier, and Mr. Ruffel had not received any.

Q. Was any mention made of their names?

A. Their names were not mentioned, but Mr. Verelst was Governor, and Mr. Cartier was second.

Q. When did you first hear of Durbar expences?

A. When Pudmohun Dofs had told me of the Company's bonds, I went the next day to Maha Rajah Nundocomar, and then heard of the Durbar expences. I heard it before from Pudmohun Dofs, who had mentioned some circumstances concerning Gocul, Gofaul, and Nobkissen; and he said, You must prepare a jewel, and then the Gentlemen will pay you your money. I do not remember having

heard any thing else concerning Durbar expences, before I heard it from Maha Rajah Nundocomar.

Q. Who were present when those papers were delivered?

A. I, Gungabissen, Pudmohun Dofs, and the Maha Rajah. Choitanaut came in to receive the bonds; a person of the name of Goossud, by the orders of Maha Rajah, brought a little escrutore. I saw no one else.

Q. Can you take upon you to say there were no one else?

A. How can I say there was no one else? I saw no one else.

Q. If there had been any one else, should you have seen him?

A. We sat in the dhalan, (hall): there was no one present but those that had been mentioned. When Goossud came in, and had delivered the escrutore, Maha Rajah sent him away.

Q. Were you three, Gungabissen, Pudmohun Dofs, and you, ever at Maha Rajah Nundocomar's house at any other time?

A. Frequently, together and separate.

Q. Mention the time.

A. I used to go every day, I cannot mention any particular period when we were all together.

Q. Can you tell me if at any other time papers were produced?

A. I never saw him at any other time take or give papers relative to Bollakey Dofs's estate.

Q. When you saw the papers at Maha Rajah Nundocomar's, you knew not what they were: how come you now to know the bond to be one of them?

A. Maha Rajah Nundocomar put this paper in the hand of Pudmohun Dofs: he tore it at the top; I did not read it at that time; Pudmohun Dofs afterwards brought it to me, and explained it to me as one of the three papers.

Court. Are there any other circumstances by which you know it?

A. There is also this circumstance, that I knew Bollakey Dofs did not owe Maha Rajah more than 10000 rupees.

E

Q. Did

Q. Did you ever see Bollakey Dofs execute any bond?

A. I never did: was I to see his hand writing, I should know it.

Q. [Question repeated]

A. I saw him execute a bond for 1000 rupees.

Q. by Court. Was you intimate with Bollakey Dofs at the time of the wars between Jaffier Ally Cawn, and Cossim Ally Cawn?

A. I have been acquainted with Bollakey Dofs 14 or 15 years: we corresponded then.

Q. Did you ever hear of any jewels belonging to Maha Rajah Nundocomar, being deposited with Bollakey Dofs?

A. I never did. I was together with Nobkissen when he introduced Bollakey Dofs to Lord Clive.

Q. Have you discovered any material transaction of Bollakey Dofs, except this bond, which he did not tell you of?

A. Bollakey Dofs used not to inform me of all he hid.

Q. Do you recollect being at Mr. Driver's house some time ago, and taking away some books of Bollakey Dofs's?

A. I took them, [pointing to the books produced in court.]

Q. Who was present when you took them?

A. Kissen Juan Dofs and Mr. Driver's fircar.

Q. Did Kissen Juan Dofs take them from the chest, or did you take them?

A. He did.

Q. Did you tell him the books by name?

A. I desired him to look into the books respecting an account of Rogoo, and also into the Calcutta books.

Q. Did you ask for any other books?

A. I did not.

Q. Did you not ask for the army books?

A. I did not particularly mention the army books, but desired him to look for the books of Rogoo's accounts.

Q. Are the books concerning Rogoo the army books?

A. I do not know whether it was entered in the army books or no.

Q. Do you now know, whether Rogoo's accounts is in the army books or no?

A. I have not looked into the books.

Q. Don't you know there are books called army books?

A. I do not know.

Q. Do you know whether, among Bollakey Dofs's books, there are any that relate to transactions at the army?

A. I had not seen the books before, when Kissen Juan Dofs brought them to my house, and examined them.

[The bond produced.]

Q. [Counsel for the Crown.]

Is this one of the three papers you saw Maha Rajah Nundocomar tear, and deliver into the hands of Pudmohun Dofs?

A. Yes.

Q. Was there money paid on this bond?

A. The Company's bonds were thereupon indorsed to Maha Rajah Nundocomar.

Q. Did Maha Rajah Nundocomar, before this transaction, before the three met, when the bond was delivered up, ever mention to you his having such a bond?

A. Maha Rajah Nundocomar told me, that he and Pudmohun Dofs had drawn up these three papers, one of the papers for 48021 rupees, and two papers for 35000 rupees. Gungabissen was not present.

Court. Q. Where was the bond found?

A. It was deposited in the Mayor's Court, as part of the estate of Bollakey Dofs.

Q. When Maha Rajah Nundocomar told you that he had drawn up three papers, was Gungabissen present?

A. He was not.

Mr. SEALY, late Register of the Mayor's Court, called and sworn.

Court. Q. Look at that paper, [bond shewn him] was it among the papers belonging to Bollakey Dofs?

A. It was.

Q. Was it torn then?

A. It was.

Q.

Q. Are you enough acquainted with money transaction in this country, to know whether that is the customary way of cancelling bonds?

A. I am not.

Q. Was this paper delivered with other papers belonging to the estate?

A. I do not know. I was not then Register; it was one of the papers that was delivered to me as belonging to the estate of Bollakey Dofs.

RAJAH NOBKISSEN.

Q. Do you know whose seal this is? [paper produced]

A. The name upon the seal is Maha Rajah Nundocomar. It appears to be his seal; I cannot tell who affixed it.

The paper of which the following is a translate read by Mr. Elliot.

Nundocomar
Bahader
Maha Rajah.

FORMERLY the jewels belonging to me were deposited with Seat Bollakee Dofs. In the Bengal year, 1172, he gave me a bond as the value thereof, for the sum of rupees, forty-eight thousand and twenty-one, and a premium. I having delivered over the said bond to Gungabissen, who is the nephew and manager of the business of the aforesaid Seat; he paid all together the sum of current rupees sixty-nine thousand six hundred and thirty, in bonds of the English Company, which is the amount of my demand, as principal, premium, and batta.

Written on the fourth of Maug, in the Bengal year, 1176.

Court. Is the affixing a seal, the manner in this country of authenticating papers?

A. There are three sorts of customs in this country. First, for money matters, Merchants among themselves sign and witness, but do not seal; that is, the Bengal and Calcutta Merchants.

Second. Among Mogul Mussulmen, who know no character but Persian, they write Alaubd, and set their seals.

Third. Government affairs pass by seal, without sign manual of any kind.

Q. Is the application of a seal sufficient to such a paper as that? [shewn receipt, letter E.]

A. As one might know Nagree, and the other Persian and Bengal, such a seal might be sufficient. This paper being only a receipt, a seal is sufficient. The word Alaubd is not needful in this case.

Q. Is it necessary that such a writing as this be confirmed by witness?

A. It is not necessary. [Translate of bond exhibit A. read.]

The Prisoner desired he might ask Rajah Nobkissen a Question.

Court. Let him consult his Counsel before he ask the question. [The question being over-heard by Nobkissen, he said, "Maha Rajah Nundocomar had better not ask me that question." Upon which Nundocomar declined asking the question.]

Court to Jury. You must receive no prejudice from this; you must forget the conversation, and judge only by the evidence at the bar.

[The Jury said they would only judge by the evidence.]

Q. How long did you know Bollakey Dofs before his death?

A. I believe, three or four years, when Lord Clive was Governor.

Q. What was Bollakey Dofs's business?

A. He was not then in any business in Calcutta.

Q. Was you intimate with him?

A. I was very well acquainted with him.

Q. What was his general character?

A. A very honest man.

Q. Did you know Pudmohun Dofs?

A. I did.

Q. Do you know any thing of Bollakey Dofs's circumstances?

A. He was reckoned a monied man.

Q. Are you acquainted with Bollakey Dofs's manner of executing bonds?

A. I know nothing about it.

MOONSHEY SUDDER O' DIEN.

Q. Did you know that seal? [receipt exhibit F. produced.]

A. The name of Maha Rajah Nundocomar, Bahader, is to the seal. I frequently, when I was Moonkey to Mr. Graham at Burdwan, had occasion to see the Rajah's seal; this appears to be his: as an oath has been taken, I have only to say, that it appears to me in my mind to be the same: I believe it to be the seal of Maha Rajah Nundocomar.

Q. Is the application of the seal alone, without the word Alaubd, deemed sufficient authentication to such a paper?

A. It is proper that a receipt should be signed.

Q. You are asked if the seal alone is sufficient authentication. What is the custom? Is it generally esteemed sufficient in a country court of justice?

A. This is what I think; a man of rank, whose seal is well known in the country, and is known to above ten people, it is a sufficient authentication for such a person as this. If the chief person of the court is not satisfied, he can call witnesses and swear the person himself.

Q. Have you sat as a Judge in a country court?

A. I was once a Durongah of a Cutcherry at Burdwan, under Mr. Graham.

Q. Would you, as a judge of the Court of Audalet, admit the authenticity of such a paper, supposing the identity of the seal to be acknowledged, without the assurance of the person, that he had sealed it himself?

A. I would call witnesses if it was denied; I would call witnesses and oaths.

Q. To what purpose?

A. I would enter into a regular trial, to prove if his seal had not been stolen by his servants, or whether it was a forged seal.

SABOOT POTTACK.

Q. Was you acquainted with one Sielabut?

A. I remained in the same place with him, from the time I was ten years old, till he died. When we were at Delhi, our houses were separated; at Mongheer and Calcutta we lived together in the same house: Sielabut was Vakeel to Bollakee Dofs, and wrote Persian for him.

Q. Have you seen him write?

A. I always used to see him write.

Q. Do you know his hand writing?

A. Perfectly well.

Q. What name is upon this bond?

A. That of Sielabut, Vakeel to Bullakee Dofs.

Q. Is this the hand writing of Sielabut?

A. No.

Q. Can you take upon you positively to swear it is not his hand writing?

A. I can swear it.

Q. On what grounds are you so positive?

A. I am well acquainted with the form of the letters of the hand writing in my possession.

Q. How did Sielabut use to attest Persian writings?

A. He used to witness and put his seal under it.

Q. What do you mean by that expression?

A. Writing the word Witness, and putting his seal under it.

Q. Have you seen him attest any paper?

A. I have seen him very often.

Q. Did he write better or worse than the paper shewn you?

A. This is a better hand writing than Sielabut's.

Q. Did he write a good or bad hand?

A. He wrote rather a bad hand.

[A paper produced.]

Q. Whose hand writing is that?

A. The hand writing of Sielabut.

[More papers produced.]

Q. Do you discover Sielabut's hand writing among these papers? If you do, separate them from the rest.

A. There is not any of Sielabut's hand writing among them.

[More

[More papers produced.]

Q. Is there any of his hand writing among these?

A. Those three papers have his hand writing. [The three papers were put aside, and marked G.]

Q. Have you any more papers of Sielabut's hand writing?

A. I have none.

Q. When did Sielabut die?

A. Six years and three months ago.

Q. Where did he die?

A. In an out-house near the dwelling-house of Bollakey Dofs. It was a Bearer's house.

Q. Was you present when he died?

A. I was present.

CROSS EXAMINATION.

Q. Where was you born?

A. At Delhi.

Q. When did you first leave Delhi?

A. About nine years ago.

Q. Where was Sielabut born?

A. Sielabut was an older man than me when he died; I cannot tell where he was born.

Q. What cast was Sielabut?

A. He was an Agra Walla, and a Banyan.

Q. What cast are you?

A. A Bramin.

Q. Are there any Bramins among the Agra Wallas?

A. They are all Banyans.

Q. Where is Agra?

A. Agra is a village, or town, in the pergunnah of Hufaul.

Q. When did you first see Sielabut?

A. I saw him first at Delhi, but do not recollect when.

Q. How old was you when you first saw Sielabut?

A. Ten years old.

Q. When you first saw Sielabut, upon what business did he come to Delhi?

A. He acted at that time as Vakeel to the Kings Wolocky, Cavalry.

Q. In whose service are you now?

A. I am in no body's service. I carry on a little business of my own.

Q. Upon what occasion came you to live with Sielabut?

A. When Sielabut served the Wollaky troops, I was a servant to him.

Q. What service could you do him at that age?

A. Persons of five years of age enter into the service of Merchants; I was ten years of age; I did whatever he bid me, assisted him in his trade, went of messages, and gave answers.

Q. How long did Sielabut remain at Delhi?

A. He left Delhi with Mynhier O' Dowlah, into whose service he entered.

Q. Where was that?

A. I do not exactly remember, it may be about fourteen years ago.

Q. Did you leave Delhi with him?

A. I did not go away with him: my father did.

Q. What employ had your father under him?

A. He did not serve Sielabut; he was above being in his service.

Q. How came you first to Calcutta?

A. I came to Sielabut.

Q. How came your father above serving Sielabut, when you did?

A. I served him in a particular manner: he left much business under me.

Q. When Sielabut executed any paper of his own, did he put his seal, or signature?

A. When he executed deeds of his own, he began, "I who am Sielabut," and fixed his seal to the deed.

Q. Did you ever see Sielabut sign or attest any paper instrument?

A. When I and Sielabut went to Jaggernaut, Bollakey Dofs paid him some money, for which he gave a receipt; he put a seal to it.

Q. How old are you now?

A. Thirty nine years.

Q. How long did you live with Sielabut at Delhi?

A.

A. I was with him when he was Vakeel to the Royal Cavalry, to the Nabob Buckah.

Q. At what different places was you with him?

A. I was with him at Delhi, at Bauneehenvonput, which is the jaghire of Naggeer Pollywn: I was with him in the Nabob Sujah al Dowlah's army at Buxar. Sillabut came to Calcutta with Bollakey Dofs, and I went home: He went from Calcutta to Jaggernaut, from whence he returned to Calcutta, where he died.

Q. Have you been with him at any other places?

A. I have been at other places with him on a journey: I have lived with him at the places I have mentioned, but no other.

Q. Court. Was you with him at Mongheer?

A. I was not at Mongheer; nor was he there, that I know of.

Q. How came you to know the situation of this house at Mongheer?

A. I know nothing of his house at Mongheer, nor have I said any thing about it.

Q. How come you to say you lived at Mongheer?

A. I did not give such evidence, that I lived at Mongheer.

[Mr. Jackson observed, that the witness made use of the word *Latcar* (Camp) and Calcutta; which Mr. Elliot interpreted, Calcutta and Mongheer.]

Mr. ELLIOT.

I have frequently interpreted Army and Mongheer as synonymous, because the army was there.

Q. Have you understood this witness perfectly?

A. I have not all through understood this witness so easily as the others, tho' by a repetition of the questions I perfectly understand what I interpret. His Moors is higher than what I am used to.

Mr. JACKSON.

I perfectly understand this man; I learnt my Moors by residing two years high in the

country. I did not so perfectly understand Kerree Dofs Pottack, the father, from whom, I interpreted last night.

Court (to Mr. Jebb.) We are informed you say, that the witness Kerree Dofs Pottack did not understand the interpreter, Mr. Jackson.

A. Kerree Dofs Pottack told me last night, when he went from the bar, that he was confused: I told Mr. Driver, that he did not understand the interpreter: I collected this from what the witness told me, not from my own observation.

[The Counsel for the Crown attempted to call Kerree Dofs Pottack to the matters deposed by Subboh Pottack; which was opposed by the Counsel for the Prisoner, and Mr. Justice Chambers being of opinion, that the contradiction upon his evidence was such that he ought not to be believed upon his oath, the Court refused to suffer him to be called.]

RAJAH NOBKISSEN.

Q. Did you know Sillabut?

A. Yes; he was a Vakeel and Munshi of Bollakey Dofs.

Q. Are you acquainted with his hand-writing?

A. I am; I have seen him write many times.

[Bond shewn him.]

Q. Is this the hand-writing of Sillabut?

A. The words "Sillabut, Vakeel of Bollakey Dofs," are not of his hand-writing; it is not his common writing; I have seen several papers of his hand-writing.

Q. Can you take upon you to swear it is not his hand-writing?

A. Sillabut has wrote several letters to me and Lord Clive, and has wrote several things before me: this is not the kind of writing I have seen him write; but God knows whether it is his hand-writing or not.

Q. What is your opinion about it?

A. The prisoner is a Bramin; I am a Coit; it may hurt my religion: it is not a trifling matter; the life of a Bramin is at stake.

Q. Do you, or do you not, think this the hand-

hand-writing of Sillabut? Remember, you are upon your oath, to tell the truth, and the whole truth.

A. I cannot tell what is upon my mind on this occasion about it.

Q. Why not?

A. This concerns the life of a Bramin. I don't chuse to say what is in my mind about it.

Q. Did Sillabut write a better, or worse, hand than this?

A. The letters on this paper are well formed: those of Sillabut are not badly formed, but are not so good as these.

[The papers are shewn him which were shewn to the former witness, for the purpose of selecting those which were the hand-writing of Sillabut: he immediately fixes on the three papers before proved to be the hand-writing of Sillabut.]

Witness. These three are the hand-writing of Sillabut; I can find no other papers of his writing among these.

Q. Did you ever see these papers before?

A. Never in my life: I never was in such a cause: I would rather lose a great sum of money than be in such a cause.

HUSSEIN ALLY.

Q. In whose service are you?

A. I am a servant to Commaul O'dien Ally Cawn.

Q. How long have you been his servant?

A. Two years this last time: I was formerly in his service, and quitted it, and returned to him again.

Q. While you was in his service did you ever receive directions to send a seal to Maha Rajah Nundocomar?

A. I had directions: it was the seal of Commaul O'Dien Cawn; but he was not at that time called Commaul O'Dien Cawn, but Mahomed Commaul.

Q. Did you send the seal in consequence of those directions?

A. I packed the seal in a bag.

Q. Was there any thing put in the bag besides it?

A. I sewed up the bag with my own hand: in it I put three gold-moheers and eight

rupees, besides the seal; and delivered it to Cummaul o Dien Cawn, who said he intended to send it to Maha Rajah Nundocomar.

Q. Did you see the bag afterwards?

A. Never since.

Q. Have you seen the seal since?

A. I have not.

Q. Did you send it away, or did Cummaul o Dien Cawn send it?

A. Cummaul o dien sent it; I did not.

CROSS EXAMINATION.

Q. Do you know Cummaul o Dien's Munshy?

A. I do.

Q. How is he called?

A. Cordar Nowas Cawn.

Q. Do you know of his being applied to to give evidence in any cause?

A. Yes; Cummaul o dien Cawn applied to him to give evidence in the affair of Maha Rajah Nundocomar and Mr. Fowke about the arzee.

Q. Did he use any inducement to persuade him; and what?

A. I know nothing of any.

Q. What passed on that occasion, to your knowledge?

A. I do not know of any thing that passed.

Q. How do you know the Moonshy was applied to?

A. I know that he was applied to, because he actually went to the house of the Lord Chief Justice, to give evidence; I have heard from many people.

Q. Do you know of Cummaul o dien Cawn's offering money to Cordar Nowas, his Munshy, to induce him to give evidence?

A. I do not know of any such offer.

Q. Do you know one Mahomed Wassen, a seal cutter?

A. I do.

Q. Do you know of his having been applied to to give evidence?

A. I do not know of his having been applied to; he asked him if he had cut a seal, of which he shewed him an impression, and said, Tell the truth, and do not throw your religion unto the wind. This is all I know.

A.

Q. In what capacity did you serve Com-
maul o Dein Cawn?

A. I am his Consumma.

KISSEN JUAN DOSS.

Q. How long did you serve Bollakey
Dofs?

A. It is twelve or thirteen years since I went
into his service.

Q. In what capacity did you serve him?

A. It was my particular province to write
the papers.

Q. Was you well acquainted with all Bol-
lakey Dofs's business?

A. Bollakey Dofs had many servants, of
all whom Pudmohun Dofs was best acquainted
with his affairs; he was the chief. What papers
I wrote, I wrote them understanding them.

Q. What was your particular business under
Bollakey Dofs?

A. To write papers.

Q. Did you write in the books?

A. Pudmohun Dofs and I wrote in them;
he was the chief; what I wrote I understand;
other people also wrote in them.

Q. Did you read what was written by other
clerks?

A. I did.

Q. Did you ever know of any debts due
from Bollauky Dofs to Maha Rajah Nundo-
comar?

A. I knew it from Pudmohun Dofs only.

Q. Did you know of any bond to Maha
Rajah Nundocomar from Bollauky Dofs, of
your own knowledge?

A. I knew of one for ten thousand rupees.

Q. Did you ever hear of any jewels of
Maha Rajah Nundocomar's being in Bollauky
Dofs's possession?

A. I did not hear it from Bollauky Dofs.

Q. Did you write the bond for ten thousand
rupees?

A. No; Mohun Persaud's brother, Iwal-
latte Persaud, wrote it at Chandernagore. I
have seen the bond here.

CROSS EXAMINATION.

Q. How many books of Bollakey Dofs
have you seen here?

A. Eight, [eight books produced] five of
which are of consequence.

Q. Do these five contain all the accounts
of business which came within your knowledge
and charge?

A. Yes.

Q. Had not Bollakey Dofs, besides his bu-
siness account, many of a private nature which
came into these books?

A. There were other private accounts con-
tained in books which were stolen or destroyed
from Bollauky Dofs, when we were at Buxar
with the army. This will appear by the books
produced; you must not take it from my
mouth: I never saw those books that were
stolen; balances from those books are entered
in the books on the table.

He turns to the books, and reads this entry.

"The Jumma of Dean Chund Ruttingar, as
"entered in the private cottah of Bollakey
"Dofs."

"YOUR Jumma in the private accounts
"of Bollakey Dofs. Those papers were plun-
"dered at the battle of Buxar; therefore Rut-
"ton Chund having drawn out your accounts,
"and having extracted your accounts from
"your books, according to orders, an entry is
"made of them here."

Witness. There is an account in the Rose-
namma here produced, of the contents of all
the papers and books that were stolen.

JUNE 11th, 1775.

MR. Justice Le Maistre having suggested,
that Dr. Williams had informed him
that Gungabissen might be brought into court
on a cott, to give his evidence, and the Jury
being very desirous to hear it, the Court de-
clared their opinion, that Gungabissen having
a great interest in the estate of Bollakey Dofs,
which was divided by his will in shares ac-
cordingly to the component parts of a rupee,
the Counsel for the Crown would not be en-
titled to call him; the Prisoner was therefore
told to advise with his Counsel, and say whe-
ther he wished to have him called. The Court
at the same time acquainted the Jury, that as
Gungabissen was a witness who would not
be called on the part of the Crown, they must
receive no prejudice if the Prisoner declined
calling

calling him; because, if called by the Crown, he would have a right to object to him, on account of his interest. The Prisoner having consulted with his Counsel, returned for answer, that if he was sure Gungabissen would speak to the truth, he should be desirous to have him called; but that he considered him as under the influence of Mohun Persaud, and therefore feared that he might not speak the truth, and that he declined calling him; but the Jury shewing a strong desire that he might be called, the Prisoner and his Counsel consented that his evidence should be received; whereupon Dr. Williams and Mr. Stark were again sent, and on their return Mr. Williams was sworn.

Q. for Court. How was Gungabissen yesterday?

A. I went to Mohun Persaud's house; I found him laying upon his cot. The first question I asked him was, what his name was: He said, Gungabissen. I asked him as to his disease: he told me, he had a severe flux; ten, twenty, or thirty stools a day; a continual thirst; and that on drinking, he went to stool, and it came from him immediately. I felt his pulse, and found him to have a slow hectic fever; and I believe he has a scirrhus liver.

Q. When you saw him yesterday, did you think he could be brought into court?

A. I thought he could not with safety. On my return, I reported to the Chief Justice in court, that I did not think it safe to bring Gungabissen to the court. I thought it, and reported it. I afterwards acquainted Mr. Justice Le Maistre, that if there was an absolute necessity for his appearance here, I thought he might be brought on a cot; and I would attend him myself. Mr. Justice Le Maistre having before that said, that the Gentlemen in the House of Commons were sometimes brought in their flannels, then I said what I mentioned about the cot. I went to see Gungabissen this morning, with an intention, if possible, to have brought him here. I was the first person that entered his room: I found him off his cot: no one was in the room I saw him in yesterday: he was not in the room I saw him in yesterday; but in a

little room of Veranda, contiguous to that in which he lay, supported by three or four people, at stool, and so much exhausted, that he tumbled on the cot when they brought him to it, and it was some time before he could give me an answer. After recovering his strength, I asked him some questions relative to his disorder; he told me he was worse, and that his very bowels were coming from him: I told him he must go with me in a Dooley: he said that it was impossible; did not I see what a state he was in? and held out his hand to me. He was then in a cool sweat, with a low pulse. I further proposed to him, that he should go in his cot, and be lifted over the Veranda by ropes, and be covered up. He replied, he must die if he went; he could not go; he must die. I then desisted from any farther persuasion, and returned.

Q. What is your opinion?

A. That the man could not be brought here, and carried back again, without imminent danger of expiring from fatigue; and that he has not strength to undergo any examination, after the fatigue of bringing him to court: Had he not told me that he has been exceedingly ill near two years, I should not have supposed he could live many hours, from the state he appeared in this morning.

[Master Mac Veagh, Keeper of the Records, being called, produces three papers.]

Q. What papers are these?

A. The original will of Bollakey Dofs, and a translate of it; together with an account current of Bollakey Dofs's estate.

Q. From whence had you these papers?

A. I received them from Mr. Sealy, the late Register of the Mayor's Court.

Mr. SEALY.

Q. Did you deliver these papers to Master Mac Veagh?

A. I did.

Q. Where did you get them from?

A. I took them from the records; they are part of the records of the Mayor's court, and were among the other records and muniments.

Q. Is the account current in English an original paper?

F

A.

A. It is.

Q. Are these any part of the muniments of the late Mayor's court?

A. They are.

[The translate of the will of Bollakey Doss was read, of which the following is a copy.]

A WILL of BOLLAKEY DOSS, in Nagree Language, translated into English.

I, BOLLAKEY DOSS AUGURWALL, being weak in body, do make this my will, as I pretend to dispose of my estate personally, should I live longer; but, in case of my decease, then my said estate to be distributed as follows: After the money due to me by the Company is received, First, I request my debts be paid, agreeable to accounts, and the remainder to be divided into sixteen parts, or sixteen annas, whereof to be distributed for the divine service, viz.

To Sree Goberdun Nautjee, one anna (1 a.) To Saut Mundier, or Seven Pagods, named Sree Be-tthol Nautjee, Sree Mothureshjee, Sree Gocul Nautjee, Sree Modun Mohonejee, Sree Duarrackow Nautjee, Sree Goculchunder Mohunjee, Sree Nownit Peeawjee, two annas, (2 a.) To Sree Bridjupauljee, half an anna, (6 p.) To all the Ballokes of Guffainjee, one anna, (1 a.) To Sree Modun Mohunjee, and Sree Bhugguerrutjee Boho, half a pic, or English (1½ p.) To Sree Govindjee Tickoytmow, half a pic, (1½ p.) To Sree Mohaw Probhojee, half a pic, (1½ p.) To Sree Gopceul Nautjee, and Sree Govindjee, half a pic, (1½ p.) To Poorestum Khetter, half a pic, (1½ p.) To the Bustnubs of Gocul and Brendabun, a quarter of an anna, (3 p.) To all persons assisting in the Sreejeer Saut Mundier, half an anna, (6 p.) To Sree Brayjayr Mohunt, Buyragguies, and Goburden Tulhatti, a quarter of an anna, (3 p.) For the making of Sree Nautjee's garden, one anna, (1 a.) To Sree Bollodebjee, a quarter of an anna, (3 p.) To Sree Gopaul Lauljee, at Banarass, a quarter of an anna, (3 p.) To Sree Jomunahjee, half a pic, (1½ p.) To Sree Baulkiffonjee, at Surat, half a pic, (1½ p.) Ditto, one anna, (1 a.) making in the whole nine annas. The remainder seven annas to be distributed as follows, viz.

To my wife, four annas, (4 a.) To Gungabissen, and Hingoo, my nephews, one anna, (1 a.) To my three daughters, named Shebun Bebee, Gungaw Bebee, and Motichun, three quarters of an anna, (9 p.) or three pies each. To my brother, Sam. Doss, a quarter of an anna, (3 p.) and from the remainder one anna, (1 a.) To Kissen Jebun Doss, five hundred rupees, (500 r.) To Pautuckjee, one hundred rupees, (100 r.) To Bafsjee, fifty rupees, (50 r.) and the remainder to other persons.

After the Company's money is received, out of the said money ten per cent. to be paid to brother Prodoomone Doss, as I have given him a note; and after my debts are paid off, the remainder and residue to be distributed according to the particulars above mentioned.

I have given Baubo Dhorromchun a note for four thousand rupees, (4000 r.) which are to be paid him.

And besides this, the outstanding debts at Dacca, Rungpore, Denazpoze, Purneah, Muxadavad, Houghly, Mungair and Patna; to be recovered agreeable to books and accounts on those places, and the same to be distributed as follows, viz.

To Sreejeer Duarray, Gooroor Duarray, and Saut D. Mundier, two annas, (2 a.) To make a garden and well in my name, to be given to the Brahmons, two annas, (2 a.) To my wife, four annas, (4 a.) To Gungabissen and Hingoo, my nephews, four annas, (4 a.) To Prodoomone Doss, for his trouble and pleasure, four annas, (4 a.) making sixteen annas.

I do further declare, that I had made a power of attorney, before this, in the names of brothers Mohun Perfaud, and Prodoomone Doss; which I leave to the pleasure of brother Prodoomone Doss. I request, all I owe, and what is owing to me, be paid and received, according to accounts of every settlement. This is my will, which I thought proper to make in my life-time, and desire to be executed in the same manner as aforesaid; and at the request of my wife, I appoint Gungabissen and Hingoo Laul, my two nephews, my trustees. And the management of all the business,

business, debts and dues, books and papers, I leave to the care of Prodomone Dofs.

Mitty, or month of June, fourth day of the moon Sumbet, or the Nagree year, 1826.

Written by Kissenjebun Dofs.

Signed by Bollakey Dofs, who approved of the above writing.

Witness Dorromchurn, Kissenjebun Dofs, being declared by Bollakey Dofs.

Bengal year, 1176, June, 12th.

[A true Copy.]

Signed, RICHARD Mc. VEAGH,
Keeper of the Records.

Court. This account is properly no evidence; it is not delivered in by an executor; and very little would arise from it if it had been signed by the executor; for, as the money had certainly been paid, whether properly or not, the executor would have brought it into his account; otherwise he would have been himself chargeable with it.

The Counsel for the Crown closed their evidence.

The Counsel for the Prisoner objected, that there was no evidence of the forgery and publishing of the bond produced; but the Court being unanimously of opinion, that there was sufficient evidence to put the Prisoner upon his defence,

The COUNSEL for the DEFENDANT stated his defence as follows.

That, first, he could call witnesses present at the time when Bollakey Dofs executed the bond: that two witnesses to the bond, now dead, were living when this transaction came to the knowledge of Mohun Persaud: that he would produce letters in Bollakey Dofs's hand writing, admitting the bond, and the circumstances of the jewels, and an account signed by Mohun Persaud and Pud-

mohun Dofs, in the presence of Gungabissen, in which the sum contained in the bond is included, as also a paper in the hand writing of Bullakey Dofs, in which the particulars of the transactions are stated: and that entries were made of the same in the books that were lost, and letters of correspondence between Bollakey Dofs and Maha Rajah Nundocomar, in which this transaction was mentioned.

TAGE ROY called.

Q. Have you got any natural brother?

A. I have one brother only, called Maitabroy; he was my elder brother.

Q. Is he living or dead?

A. He is dead.

Q. Where was he during the last eighteen months before his death?

A. Sometimes at Houghly, and sometimes at Calcutta.

Q. What was his native place?

A. Bareai Adampore, at Doncacollah, in the chucklah of Burdwan.

Q. Have you ever seen your brother write?

A. I have.

Q. Can you read Bengal?

A. Yes.

Q. Is this your brother's writing?

[A letter produced, marked I.]

A. It is not my brother's writing.

Q. Who then wrote it?

A. I did, by my brother's direction, in his presence.

Q. Look on the cover: whose seal is that?

A. It is my brother's seal.

Q. Can you read Persian?

A. I cannot read Persian, but I know the seal.

Q. Was the impression on your brother's seal affixed by you?

A. I set the seal.

Q. How came your brother not to write?

A. My brother was engaged in other business, and desired me to write.

Q. To whom was it directed?

A. Mahomed Heeamut Seeragut Roopnarin Chowdrowjee.

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Q. When

Q. When did your brother die?

A. About two years and half ago.

Q. Was your brother a person well known in Calcutta?

A. He was known to rich and poor in Calcutta.

Q. To whom? mention some persons.

A. He was a servant to Sam. Buchy, who was in the gaol. Baboo Huzreymull and Diachund Baboo knew him.

CROSS EXAMINATION.

Q. Was your brother a servant to Sam. Buchy?

A. He was.

Q. On what account was Sam. Buchy in gaol?

A. He was six years in gaol, on a dispute about the Company's salt.

Q. How old are you?

A. Thirty-three.

Q. How old was your brother?

A. Three years and a half older than me.

Q. When did you come to Calcutta?

A. Nine days ago.

Q. From what place?

A. Donyacalla in the chuckla of Burdwan.

Q. On what account did you come to Calcutta?

A. A letter came from Burdwan, from the Rajah of Burdwan's house, calling me there: I did not go on that letter: afterwards Roopnarrain Chowdree wrote me a letter; a peon came with the letter.

Q. Have you got that letter?

A. The letter was wrote to the Jannadar; he did not give me the letter: another letter came to me with a peon and kittree, from Roopnarrain Chowdree: when they arrived I was busy, and was not found; when I was found, they gave me a letter, requiring me to come to the Presence.

Q. What do you mean by the Presence? do you mean the court?

A. I do not mean the Adawlet: they did not tell me plainly where I was to come; they told me I must tell what I knew: I said I knew nothing but what I knew from my brother: I came on that letter: I received it the third of Justin.

Q. Was you ever in Calcutta before?

A. I came to Calcutta nine years ago.

Q. Where did your brother die?

A. At Donyacolly, in his own house: he was ill five months.

Q. Was you ever in Calcutta when your brother was there?

A. Yes.

Q. Who did he live with?

A. Sometimes in the house of Mohun Loll and Nundo Loll: he always staid with Sam. Buchy, being his servant.

Q. When was your brother acquainted with Roopnarrain Chowdree?

A. From the time when he went to Burdwan.

Q. How long ago is that?

A. Ten or twelve years ago.

Q. How long did your brother stay in Burdwan?

A. He never staid long.

Q. What do you mean by the time of your brother's going to Burdwan?

A. My brother went three different times to Burdwan upon business.

Q. When did he first go?

A. The year Mr. Sumner went Chief to Burdwan: he went with Cossenaut Baboo; that was the first time.

Q. Was your brother ever in Burdwan before in his life?

A. Not in the town of Burdwan.

Q. Was he ever in the province of Burdwan?

A. He was born in a chucklah of that province.

Q. Was your brother a servant to Cossenaut Baboo?

A. No: he went with Cossenaut Baboo, who promised to give him employment, as I have been informed.

Q. How long did your brother stay with Cossenaut?

A. Ten or twelve days.

Q. Did your brother write Bengal?

A. Yes.

Q. Did your brother write his letters himself, or you for him?

A. When

A. When I was with my brother, and he desired me to write, then I used to write.

Q. How long is it since you wrote that letter?

A. Thirty-six months.

Q. Where is your brother's seal now?

A. With me: I can produce it.

Q. How long have you had it?

A. It was in my house after the death of my brother: I had it.

Q. Have you sealed any letters with the seal since you had it?

A. No: Why should I seal with the seal of a deceased person?

BABOO HUZREY MULL.

Q. Was you ever acquainted with a person of the name of Matheb Roy?

A. My house is a house of charity: a great many people come backwards and forwards to and from my house: I do not know what Matheb Roy you mean.

Q. Do you know any body of the name of Matheb Roy?

A. There was one Matheb Roy, a kitree, here a great while ago: he came from the westward.

Q. What sort of a man was he?

A. He wore a chowran (broad) turban: he was rather old.

Q. How old might he be?

A. Something above fifty.

Q. How many years ago is it since he seemed to be above fifty?

A. About ten years ago.

Q. Was he fifty ten years ago, or would he appear to be that age now?

A. I saw him then; I speak of his age as then: I have not seen him since.

Court. Have you seen him more than once?

A. I may have seen him two or three times: I do not recollect: it was a great while ago.

Q. Have you ever heard of any body else of the name?

A. I am much employed in business: I cannot tell whether I have seen any other person of the name.

Q. Did you know any of his connections? did you know his relations?

A. I did not.

Q. Do you know whether he had a brother?

A. People know these things by enquiry: I do not.

Q. Did you know whether he was a servant to Sam Buchy, or to any man in gaol?

A. Sam Buchy was formerly my Gomastah: afterwards he set up business for himself: I cannot say whether he was or was not servant to Sam Buchy, as many people went backwards and forwards to my house.

Q. Do you believe he was a servant of Sam Buchy's?

A. I do not remember.

Q. Are you sure that Matheb Roy ten years ago appeared to be above fifty?

A. I never enquired his age: it is only from looking at him: I have mentioned that he appeared above.

Q. Are you sure that he was more than twenty-six years?

A. He certainly was more than twenty-six years: I before said he was fifty years: I cannot tell to a year.

Q. Can you say with certainty, whether you sent a man of the name of Matheb Roy to Burdwan?

A. I do not remember: I cannot say for certain: Sam Buchy can best tell.

Q. Is Sam Buchy alive or dead?

A. He is alive.

COSSENAUT BABOO.

Q. Did you ever know any man of the name of Matheb Roy?

A. What Matheb Roy do you mean?

Q. Did you ever keep any man in your family of that name?

A. There was a person of that name, who was son of Bungoo Loll Sunnuh, Kittree of Burdwan, who used to come backwards and forwards to my house: he did not live in my house, but eat and drank there: Bungoo Loll was a man of consequence; he was a servant to the Nabob.

Q. How

Q. How long have you known Matheb Roy?

A. About twenty-five years.

Q. Is that since you first knew him?

A. Yes; I knew him well; he was a man of this country as well as myself.

Q. What was his figure?

A. A whitish man, marked with the small pox.

Q. How old would he be if alive now?

A. I cannot say for certain; I imagine about fifty, if alive now.

Q. Do you take his age from his appearance, or from your knowledge?

A. From seeing him.

Q. When did you first know him?

A. The time of the Marattas disputes, when the Nabob fled to Ballaw, in the year 1148, or 49, I first knew him: thirty-four years ago, A. D. 1741.

Q. How old was he when you first knew him?

A. He was a young man, from eighteen to twenty.

Q. How many children had Matheb Roy?

A. Four; one called Balheb Roy, the second called Matheb Roy, the third called Saheb Roy, and the fourth called Panjeb Roy.

Q. How many children had Saheb Roy?

A. One son, I knew of no more.

Q. Did you ever know any Matheb Roy, the son of Saheb Roy?

A. No; I am sure, I did not know a Matheb Roy, the son of Saheb Roy.

Q. Did any Matheb Roy go to Burdwan with you in the time of Mr. Sumner?

A. I do not remember.

Q. Are you positively sure that no Matheb Roy was the son of Saheb Roy?

A. I did not know a Matheb Roy, the son of Saheb Roy.

Q. Was there any Matheb Roy, the son of Saheb Roy, that you promised to get an employ for?

A. I do not remember.

Q. Do you know the son of Saheb Roy?

A. I do know the son of Saheb Roy, the son of Bungoololl.

Q. Do you know his name?

A. His name is Doman, I believe.

Tajee Roy is called and shewn to Cossenaut.

Q. Is that the son of Saheb Roy?

A. This is no son of any Saheb Roy, I know.

Court. Tell this man what Cossenaut has said, and tell him the consequences of speaking falsely.

A. by Tajee Roy. I am the son of Saheb Roy, the son of Bungoololl.

Q. How many sons had your father?

A. One.

[Cossenaut says, there is another Bungoololl of another cast.]

Q. Of what pergunnah was the last Bungoololl?

A. I do not know where he was born; he was in service at Mancoor, and lived at Hougly.

Q. Do you know his family?

A. I do not.

Q. Of what pergunnah was the first named Bungoololl?

A. Of the city of Burdwan.

Q. Are you sure he was not of Doynacolly?

A. I cannot determine; I knew him at Burdwan, and I did not know him at Doynacolly.

Q. Did you know the other Bungoololl?

A. I do not know the man now here, the other Bungoololl was in service at Mancoor.

Q. to Tajee Roy. Is your father, Saheb Roy, alive or dead?

A. Dead.

Q. Where did your grandfather Bungoololl live?

A. At Saitagong, in the district of Hougly.

Q. How many children had he?

A. Only one.

Q. How came you to say that your brother went to Hougly with Cossenaut in the time of Mr. Sumner?

A. I do know that he went to Hougly with Cossenaut; if Cossenaut does not recollect it, I cannot help it; he was a poor man; I can prove that he did go by a hundred people.

Q. to Cossenaut. If any man of that name or family had gone with you, should you have recollected it?

A. When

A. When I went to Burdwan, many persons went with me: I cannot say he did not go.

Q. As you knew the family of the Bungoololls of Mancoor; if one of them had gone with you, should you know him?

A. I believe I should have known if any person of the name of Matheb Roy had gone with me.

[Question repeated by one of the Jury]

A. If such a man had gone, I certainly would know him.

[Question again repeated.]

A. I did not know Bungoololl of Hougly's family; therefore cannot say whether I should have known him.

Q. How old was Bungoololl of Hougly?

A. I cannot tell.

Q. How long is it since you saw him?

A. I have taken an oath; I cannot safely say.

Q. How many people do you guess might follow you to Hougly, expecting employment?

A. Great men and little men were with us: I cannot say exactly, I believe about 500 or 1000.

TAGGE ROY.

Q. Is your grandfather alive?

A. No.

Q. How long is it since he died?

A. Fourteen years.

Q. Do you know whether your grandfather was in any service?

A. He was Izardar at Hougly.

Q. Do you know a place called Mancoor?

A. Yes.

Q. Was your grandfather in service there?

A. I know Mancoor; it was my grandfather's farm.

Q. Where was the house of your grandfather?

A. At Hougly.

Q. Was it not at Barree Adam Poor?

A. My grandfather's house was at Hougly.

Q. Where was your father's house?

A. My father lived with my grandfather.

Q. Did your father live in the house after your grandfather's death?

A. I was very young.

Q. Where was you born?

A. At Chirifura, at the time of the Maratta invasion.

Q. Where was your brother born?

A. At Barree Adam Poor in his uncle's house.

Q. Have you ever been examined before, about the matters you have given in evidence to-day?

A. Whatever I was asked, I answered truly.

Q. To whom did you say that?

A. To the Gentlemen.

Q. To what Gentlemen do you mean?

A. That Gentleman, [pointing to Mr. Jarret, Attorney for Prisoner.]

Q. Where was that?

A. In the house of the Gentleman with Mr. Jarret, [pointing to Mr. Farrer, Counsel for the Prisoner.]

ROOPNARRAIN CHOWDREE.

Q. Did you know any person of the name of Matheb Roy?

A. I did.

Q. Where is that person now?

A. Dead.

Q. Do you know the family of Matheb Roy?

A. He was of one cast, and I was of another: I do not know his family.

Q. What was his father's name?

A. Saheb Roy.

Q. How many brothers are there?

A. Taijee Roy and Matheb Roy.

Q. Did you know his grandfather?

A. No.

Q. What were the names of the brothers of the Matheb Roy you know?

A. Taijee Roy and Matheb Roy.

Q. Do you mean two sons of the father, or three?

A. Two only used to come to me.

Q. Do you know when Matheb Roy died?

A.

A. In the month of Maug, 1179.

Q. Did you receive any letter from Matheb Roy before his death?

A. Yes, in the month of Baudon, 1179.

JOYDEB CHOWBEE.

Q. Did you know the late Bollakey Dofs Seat?

A. I did.

Q. Did you know of his ever executing any bond to Maha Rajah Nundocomar? Tell what you know about it.

A. I remember that Bollakey Dofs Seat wrote out a bond in the name of Maha Rajah Nundocomar; his writer wrote it.

Q. Did you see his writer write it?

A. I myself with my own eyes saw the writer write it in the Persian hand.

Q. Did you see it afterward executed?

A. I saw Bollakey put his seal to it.

Q. Who were the witnesses to it?

A. Mahomed Commaul of Muxadavad, Matheb Roy, a Kettry, and Sillabut, the Yakeel of Bollakey Dofs.

Q. Did you see them witness it?

A. I myself saw those three men witness it.

Q. What was the amount of the bond?

A. I do not remember exactly: I believe it was within 45,000 rupees, and something above 40,000.

Q. At what time of the year was this?

A. I do not recollect.

Q. Tell as near as you can what month it was?

A. It was in the rainy season.

Q. Do you know the person now called Commaul O'Dien Ally Cawn?

A. I do know him.

Q. Is he the person you saw witness that bond you mention?

A. No.

Q. Who was the Mahomed Commaul you saw witness it?

A. A man of Muxadavad.

Q. Did you know his father?

A. I did not.

Q. Is that Mahomed Commaul living?

Q. He is dead.

Q. Do you know him to be dead, of your own knowledge?

A. I do certainly know.

Q. How long is it since his death?

A. About five or six years.

Q. Where did he die?

A. I went to the house of Maha Rajah; I was by when he was carried to be buried: I enquired whether it was a Bramin or a Mussulman going to be buried: they answered, it was Mahomed Commaul.

Q. Did you know Matheb Roy? who was he?

A. Matheb Roy was a kettry of Burdwan; I knew him; he was frequently coming backwards and forwards to the Maha Rajah.

Q. How long have you been acquainted with Bollakey Dofs?

A. I knew him when he lived at Muxadavad, and often saw him after he came to Calcutta.

Q. What connection had you with Bollakey Dofs?

A. He was a Banian, and I was a Bramin; there is no relationship; there was friendship between us; I knew him, and he knew me.

Q. Had you any connection in business with him?

A. There was no connection in business between us; he was a great Shroft; I frequently went to sit down in his house; he desired it.

Q. What was your business?

A. I was formerly a servant of Maha Rajah Nundocomar: he is now without employment; his employment is gone, and so is mine.

Q. Where is the bond you speak of executed?

A. The bond was executed in the house of Baboo Huzree Mull in the Burra Buzar.

Q. Who lived in that house?

A. The bond was there written: people belonging to Huzree Mull lived in it; there was a part of it separated from the rest, in which Bollakey Dofs lived; it was in the separate house where Bollakey Dofs lived.

Q. Can you read Persian?

A. I do not know Persian; how can I read it?

Were

Q. Were you there by chance, or sent for?
A. Bollakey Dofs called me and carried me with him.

Q. Did he come to your house for you?

A. He came to the house of Maha Rajah Nundocomar, where I was then sitting. Maha Rajah Nundocomar said to Bollakey Dofs, Money has long been due from you to me; now pay it. Bollakey Dofs said in answer, I have lost every thing by plunder at Dacca; I have not now the power of paying; a great sum of money is due to me from the English; when I receive that, I will pay you first of my creditors. Having said this, he added, I will now write out a bond. Bollakey Dofs in this manner pressed Maha Rajah Nundocomar a good deal, and put his hands together in an attitude of praying; and at last Maha Rajah consented. Bollakey Dofs then said to Maha Raja, Send Mahomed Commaul with me to my house; I will there write out the bond immediately. Having said this, Bollakey Dofs, in company with Mahomed Commaul, left Maha Rajah's; I likewise obtained dismissal from Maha Rajah. Having gone down stairs, Bollakey Dofs said, Come along with me to my house, and I having executed a bond before you and Mahomed Commaul, will send it to Maha Rajah. After this, Bollakey Dofs and I went to the house of Baboo Huzree Mull, in the Burra Buzar: being arrived there, he sent for his writer. The writer came, and was ordered to write out a bond in the name of the Maha Rajah. The writer wrote out a Persian bond, and put it in the hands of Bollakey Dofs Seat. Bollakey Dofs Seat, having seen the bond, took the ring off his finger, and sealed it, and said to Mahomed Commaul, Be you a witness to it. Mahomed Commaul affixed his own seal, with his own hand, as a witness; he said to Matheb Roy, Be you also a witness to this: Matheb Roy sealed it with his own hand. He said to Seillabut, Be you also a witness to this; and he signed it with his own hand. Seillabut having put it into the hands of Bollakey Dofs Seat, he put it into the hands of Mahomed Commaul,

and said, Carry it with Seillabut to Maha Rajah Nundocomar's.

Q. You say Seillabut signed the bond; what did he write on it?

A. He wrote his own name, as a witness; I do not know Persian; I imagined he signed it.

Q. Did Bollakey Dofs read the bond before he signed it?

A. The writer put it into the hands of Bollakey Dofs, and he, having seen it, signed it.

Q. Did he read it?

A. The writer read it to him; he heard it.

Q. What is that writer's name?

A. I do not remember it.

Q. Was you acquainted with him?

A. I have seen him with Bollakey Dofs; I was not acquainted with him.

Q. Do you remember what sort of a man he was?

A. I do; his colour was black; he was about forty years of age.

Q. Do you know Seillabut?

A. I did not know Seillabut.

Q. What was he?

A. A Vakeel of Bollakey Dofs.

Q. How many years was he with him?

A. I do not know.

Q. How many years did you see him about Bollakey Dofs?

A. Three or four years.

Q. Do you mean three or four years before signing the bond?

A. I do not remember how many before; Seillabut lived sometimes with Bollakey Dofs, and sometimes with Maha Rajah Nundocomar.

Q. How long after sealing this bond did you know this person about Bollakey Dofs?

A. Two or three years.

Q. Where did he go then?

A. He went within that time to Jaggernaut, to perform religious ceremonies along with Mohun Persaud; when he returned to Calcutta he died.

Q. When did he die?

A. I do not know; I was told he returned: I heard of his death.

Q. Did any body else write upon the bond?

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A.

A. No body else.

Q. Did any body besides Sillabut write any thing at all upon the bond?

A. Sillabut wrote upon it: Mahomed Commaul sealed it: Matheb Roy sealed it.

Q. Did any body else use a pen?

A. Not to my remembrance.

[The Chief Justice, in a low voice, told the Counsel to shew him another bond with three seals.]

Court. You have sworn positively; you must answer positively.

A. I speak from certainty what I know: I saw no body else write upon the bond: I do not remember it.

Q. Do you know Mahomed Commaul?

A. I was acquainted with him.

Q. Where was you acquainted with him?

A. He was a servant of the father of Maha Rajah Nundocomar: when his father died, Mahomed Commaul used frequently to come backwards and forwards to Maha Rajah Nundocomar's house.

Q. Was you intimate?

A. There was no friendship between us: I had seen him two or three times at Maha Rajah's.

Q. What was his employment when the bond was signed?

A. A ruffeck (dependent) of Maha Rajah Nundocomar.

Q. What sort of a man was Mahomed Commaul?

A. A middling size man, of a yellow colour, rather whitish.

Q. What was his age?

A. He was near 35.

Q. Did Matheb Roy or Mahomed Commaul seal first?

A. Mahomed Commaul sealed first.

Q. Who sealed next?

A. I do not remember whether Matheb Roy sealed next, or Sillabut signed.

Q. In what part of the bond did Bollakey Doss put his seal? Was it at the top or at the bottom?

A. It is a great while ago: I know nothing of such a dispute to come: I cannot be positive as to such things.

Q. What size was the paper? Was it as large as this?

[The indictment, consisting of two half sheets of parchment, doubled, was shewn him.]

A. I do not remember if it was large or small?

Court. Do you remember if the seal was on the inside or the outside of the paper?

A. Bollakey Doss, I remember, sealed in a place like this, [pointing to a margin in a Persian paper, shewn towards the right hand corner at top.]

Q. Are you sure of that?

A. I remember.

Q. Where did Mahomed Commaul seal?

A. If I were to see the bond I should be able to tell.

Q. Was it larger or smaller than this paper? [A large sheet of Bengal paper shewn him.]

A. I cannot tell whether it was larger or smaller: how can I speak to what I do not remember?

[A very small piece of paper shewn him.]

Q. Was it as large as this?

A. I know not.

[The back of the real bond shewn him.]

Q. Was it like this?

A. I do not remember; but if I was to see the real bond, I could tell the seal and the size.

Q. Could you know the impressions of the seals, if you saw them?

A. If I see the impressions of the seals as they were, I should know them.

Q. Should you know Bollakey Doss's seal?

A. I know Bollakey Doss's seal; from seeing the impression of the seal, I shall know it.

Q. How came you so well acquainted with Bollakey Doss's seal?

A. It is a (buddamie) almond seal.

Court. Let him describe the shape. [He describes an oval on a paper.]

Q. How can you know the impression of Bollakey Doss's seal, not understanding Persian?

A. I frequently saw it upon his hand.

Q. Did you ever see Bollakey Doss's seal but upon his finger?

A. I never saw his seal in any other place than his finger.

Court.

Court. Was you to see the seal of Bollakee Dofs upon a paper, should you know it from any other?

A. I should know the impression of Bollakee Dofs's seal if I was to see it; I have frequently seen it upon his finger.

Q. Do you know the impression of Mahomed Commaul's seal?

A. I should know it; I have frequently seen it upon his finger.

Q. Was you to be shewn a paper with the impression of Mahomed Commaul's seal on it, should you know it?

A. I could not read the letters, but should be able to judge from the shape.

Court. Should you know the seal? Many seals are of the same shape.

A. I do not read Persian; but I think I should be able to know the seal.

Court. Have you often seen the seal on Mahomed Commaul's finger?

A. I have often seen it on his finger; he used often to come to the house of Maha Rajah Nundocomar, and I used to see the seal on his finger.

Q. Who sealed first after Bollakee Dofs?

A. Bollakee Dofs having sealed it, put it into the hands of Mahomed Commaul, and he sealed it.

Q. Where was it wrote?

A. In the house of Huzree Mull, in the Burra Buzzar, in the presence of us all.

Q. What room was it in?

A. There is a long room runs East-West, the door to the South: it was executed there.

Q. Who was present besides?

A. Shaik Ear Mahomed, Choyton Naut, Lollah Domanking, Matheb Roy, Sillabut Vakeel, and the person who wrote the bond.

Q. What was his name?

A. He was not of this country; I did not know him.

Q. What hour of the day was it?

A. It was before mid-day.

Q. Did any particular conversation pass at that time?

A. There was no conversation.

Q. Was there not between the rest of the company, while the bond was writing?

A. I remember no conversation: when the

bond was finished, he put it in the witnesses hand: we said nothing: what should we say?

Q. How long was the writer writing the bond?

A. One gurre, (22 minutes).

Q. Who brought in the ink for the seals?

A. The ink-stand was near Bollakee Dofs; he dipt his seal on the cushion, and sealed the bond.

Q. Did he bring it with him?

A. He was a shroft of consequence, possessed of a sicca ink-stand: it was silver.

Q. Who brought it into the room?

A. I first saw it near Bollakee Dofs.

Q. Was the ink-stand in the room, or brought afterwards?

A. Bollakee Dofs went with his sewarry before us; when we came in, we found him sitting, with his ink-stand before him.

Q. What conversation passed, while you were at Maha Rajah Nundocomar's?

A. I have already related.

Q. Did no more pass?

A. No.

Q. Was there any conversation about what the sum of the bond was for, at Maha Rajah's?

A. There was no conversation about the amount of the bond at Maha Rajah's.

Q. Do you remember any mention of a premium to be given?

A. No.

Q. Do you remember the sum?

A. I do not.

Q. Did you hear the bond read?

A. The writer read it, but I did not understand; it was read in Persian: how should I know what the bond was?

Q. How do you know the sum?

A. I did not know the amount of the bond: I heard that it was within fifty, and above forty thousand rupees.

Q. When did you hear that?

A. It was two or three days after the time.

Q. Did Bollakee Dofs look at any books before he ordered the bond to be wrote?

A. I did not see him examine any books before the bond was executed; when I came he was sitting down, and I did not see him examine any books.

Q. How long did you come after him?

THE TRIAL OF

A. He went in his palankine; I followed him: it might be half a gurry, (11 minutes.)

Q. Did you find the other persons you mentioned, sitting when you came in?

A. Four of us came together; myself, Mahomed Commaul, Choyton Naut, and Shaik Ear Mahomed. Matheb Roy, Lotta Demon, Sing Sillabut, and the writer, were there when I came in.

Q. Had the writer began to write when you came in?

A. After we had sat down, the writer began to write.

Q. In what language did Bollakey Dofs speak to the writer?

A. He talked in Moors: he spoke Moors.

Q. Does he understand Persian?

A. I do not know; he talked Moors.

Q. Was the bond read in Persian?

A. Yes.

Q. Was it, after being read in Persian, explained in Moors?

A. No: it was read in Persian, and was not explained in Moors.

Q. Did you hear Bollakey Dofs give any direction as to the sum?

A. Bollakey Dofs said nothing in my presence about the sum.

Q. Did Bollakey Dofs, any time before, tell him the sum?

A. God knows whether he told him before.

Q. You say you heard Bollakey Dofs give directions to write the bond: what were the directions?

A. He spoke these words: Write out a bond in the name of Maha Rajah Nundocomar.

Q. Did he say any more?

A. No; he spoke no other words.

Q. Did Bollakey Dofs say a bond, or the bond?

A. He said, a bond.

Q. Did he say any thing about consideration?

A. When I went, he spoke the words I said, and no more.

Q. Do you know this paper? [bond produced.]

A. This seal of the bedamee (amond oval) shape, is Bollakey Dofs's.

Q. What is this paper?

A. This little seal is Mahomed Commaul's.

Q. Can you swear to that positively?

A. I do not know the words: the largest seal is Matheb Roy's.

Q. How came you to know the seal of Matheb Roy?

A. I have seen his seal on his finger: I saw him frequently at Maha Rajah Nundocomar's house.

Q. If the Gentlemen of the adaulet were to put the seal of Mahomed Commaul on another paper, should you know it?

A. I should.

Q. Was there any conversation of jewels at the Maha Rajah's?

A. No.

Q. Was there any at Bollakey Dofs's?

A. No.

[The seal of Commaul O Dien Ally Cawn, before produced to the Jury, is shewn him.]

Q. Do you know whose seal this is?

A. I do not.

[Joseph Satcheb, Clerk to Mr. Jarret, is called to prove the delivering of notice to Mohun Persaud to produce an original nagree paper, given to him by Maha Rajah Nundocomar, when he, Gungabiffen, and Podmohun Dofs, were in the Maha Rajah's house, signed in the proper hand-writing of Bollakey Dofs, and to produce it as evidence for the defendant.]

Q. to Mohun Persaud. Have you produced any papers, in consequence of the notice?

A. I cannot produce it; I have produced all the papers I have: I have no paper under such description.

MOHUN Doss called.

Q. Do you know Gungabiffen?

A. I do.

Q. Do you know Mohun Persaud?

A. Yes.

Q. Did you know Pudmohun Dofs?

A. I did.

Q. Did you know Bollakey Dofs?

A. I did.

Q. Have you seen him write?

A. I have.

Q. Are you acquainted with his hand-writing?

A. I am.

Q. Do you remember Maha Rajah Nundocomar, Gungabissen, Pudmohun Dofs, and Mohun Perfaud, in conversation together?

A. I do; at Maha Rajah Nundocomar's house.

Q. Did you, upon that occasion, see any papers?

A. Pudmohun Dofs said to Maha Rajah Nundocomar; Give me papers. Maha Rajah having got the papers, bid me copy them: I observed to Gungabissen, Mohun Perfaud, and Pudmohun Dofs, that Maha Rajah had bid me copy the papers; and asked them, if I should do it; they all answered, Write them out. Having wrote them, I gave them to Maha Rajah Nundocomar: Pudmohun Dofs took the original, and the copy remained there.

Q. What did Pudmohun Dofs do with them?

A. The copy I wrote remained with Maha Rajah Nundocomar; the original remained with Pudmohun Dofs.

Q. What did Pudmohun Dofs do with the papers?

A. He took them himself, and put them up: whether he carried them out of the house I know not.

Q. Have you ever seen the papers since?

A. Never. [A paper shewn him: a copy of the paper was offered to be given in evidence.]

Court. You have traced it into the hands of Pudmohun Dofs, but not into the hands of Mohun Perfaud. This is not sufficient to entitle you to give the copy in evidence. [A Nagree paper is produced]

Q. Is that signature the hand-writing of Bollakey Dofs? [After looking at it for some time, shewing great difficulty to make it out, he said,]

A. If I see the original paper from which I copied, I can read it.

Q. Are the words at the bottom Bollakey Dofs's hand-writing?

A. Bollakey Dofs's name is written at the bottom.

Q. Is that of his hand-writing?

A. There were only five letters of Bollakey Dofs's name on the paper I copied. I cannot tell whether this is his hand-writing: I do not know: I am not his gomastah. Kissen Juan Dofs knows Bollakey Dofs's hand-writing and Pudmohun Dofs's.

KISSEN JUAN DOSS.

[Nagree paper shewn him.]

Q. Look at that paper: whose signature is it?

A. Bollakey Dofs's signature; it is his hand-writing; the body is the hand-writing of Pudmohun Dofs.

Q. Are there any words wrote by Bollakey Dofs besides his name?

A. There are.

Mr. Elliot delivered into Court the following translate of Nagree papers, which mark Exhibit L.

MAHA Rajah Dehraje Nundocomar Geeoo, at Calcutta, with compliments, written from Chinfura, by Bollakey Dofs, with many obeissances. May God always grant him health, and I shall be joyful. I myself am by your favour in health; you have written a Persian letter, which has arrived; by the reading of which I have been rendered joyful and contented. You have written, that till the Governor shall come, you wish me to stay at Chinfura. Accounts are received that the Governor will shortly arrive. I have, according to your desire, remained here. The Governor arriving, as business will quickly be done, you will do: I have hopes in you.

You will hear other circumstances where you are; I am unjustly oppressed; you are the master. What else shall I write?

You have written about Derrumchund; therefore he and I acquittal have settled, which you know; besides this, nothing respecting state is unknown to you; accordingly you have told, and what you say I

pay great attention. The Company's money being received, out of it rupees two thousand, out of that self will give. I am not disobedient to your orders.

At this time from the side of expences much trouble is; therefore rupees five hundred you bestow upon me; then I will give it with the rest. Business quickly will be done there first will give. Brother Pudmohun Doss is going; you will be acquainted with other circumstances by him; you are a master of every thing. At this time you have considered every thing; and who, except yourself, will do it? What other representation shall I write? There is no more.

In the year 1826. In Jente the 26th Tuesday.

Signature, BOLLAKEY DOSS.

You are my master; it is necessary you should make enquiries about me at this time. The circumstance above written, you will make yourself acquainted with.

Mr. Elliot. In translating the Nagree paper exhibit L. I at first wrote, "yourself;" but as the Counsel for the Prisoner desired I would translate it literally, and charged me not to deviate in the smallest degree from the words and idiom of the original, I have now written "self," the word signifying only "self." The Moonshy understands it as meaning the person to whom it was written: I fear the translation will scarcely be understood.

JUNE 12th, 1775.

LUTCHMUN DOSS.

Q. Do you know Mohun Persaud?

A. I do.

Q. Did you know Pudmohun Doss?

A. Pudmohun Doss was my elder brother: why should not I know him?

MOHUN PERSAUD.

Q. Is this your hand-writing?

A. It is.

Q. Is that the signature of Pudmohun Doss?

A. One of the signatures is mine: I cannot tell whose the other is exactly.

Q. Have you often seen him write?

A. I have.

Q. Are you acquainted with his hand-writing?

A. I have many papers of his writing.

Q. Do you believe this to be his?

A. It is my opinion it is not; if you will order me, I will bring another paper of Pudmohun Doss's hand-writing.

LUTCHMUN DOSS.

Q. Do you know the hand-writing of your brother Pudmohun Doss?

A. I do.

Q. Is the signature his writing?

A. It is.

Q. Who wrote all the paper?

A. It is all his writing.

[Nagree paper fixed and marked exhibit M. of which the following is a translate.]

ACCOUNTS.

Rs.	As.	
66,320	7	Amount of a bond
50,488	7	One time
10,920		One time
61,408	7	
4,912		Batta at 8 Rs.
60,000		One time Durbar and other expences
11,362	8	A bond on account of a mortgaged house.
2,552		Ready cash 2200 Rs.
596	2	On account of Dearcam Chund Ghee Tawn 527 Rs.
140,804	1	
3,000		Paid by Chitonaute at one time. 1500
		1500
145,804	1	
73,435		Tomusook
		4 bonds 20000, 20000
		13435
		Khut

Rs. As. Khut,
60,000 Three notes 20,000, 20,000
Khut.
10,000 One note 10,000
Tomusook.
143,435 Bonds 8
2,369 Current rupees remain due
145,804.

(Signed)

MOHUN PERSAUD.

PUDMOHUN DOSS.

KISSEN JUAN DOSS.

Q. Have you seen Pudmohun Doss write?

A. I have.

Q. Do you know his hand-writing?

A. I do.

Q. Look at this paper: is it Pudmohun Doss's hand writing?

A. It is.

JOYDEB CHOWBEE.

Court. Are you sure you saw Mahomed Commaul carried out of Maha Rajah Nundocomar's house to be buried?

A. I heard it with my own ears that Mahomed Commaul was dead, and saw them carrying him out to be buried.

Q. Are not the customs of burying Mussulmen and Gentoos very different?

A. They are: I who am a Bramin will not go near a Mussulman that is dead.

Q. How do they carry out a Bramin?

A. When a Bramin dies, they either put him on a cot, or sticks laid in the form of a cot: they put a cloth over his body, and he is carried out on the shoulders of eight or ten men.

Q. Is there any thing else particular in the burial of a Bramin?

A. When a Bramin dies, all his relations and friends, and all the other persons of the village, go to him: he is carried on the shoulders of eight men, and about twenty other people go with him: they carry him to the river side and place him on wood, which his son, if he has any, sets fire to.

Q. Are there any other particular marks to distinguish the burial of a Bramin?

A. There are particulars in their dress according to their rank: if a rich man, he may

have very valuable cloths: a poor man would have a cloth from five to ten rupees over his shoulders.

Q. Is there any thing particular in the form of the dress of those who attend them?

A. They wear their dooty, and throw a cloth over their shoulders.

Q. What is their dooty?

A. The cloth which common fircars tie round their loins.

Q. Are there any more particularities attending their burial?

A. No.

Q. In what manner do they carry out a Mussulman to be buried?

A. He wears his own cloths: when they carry a rich man, a fine dress is wore: the dress of a poor man is not more than two rupees.

Q. Are they always carried on a cot?

A. They throw a cloth over his body: I do not know exactly the manner.

Q. What was Mahomed Commaul?

A. A Mussulman.

Q. What cloths had he when he was carried out?

A. They throw the same cloth over a Mussulman as over a Bramin.

Q. Was you to see a man carried out to be buried, attended by Mussulmen, should you know whether he was a Bramin or a Mussulman?

A. I saw from far he was a Mussulman; I should know by Bramins being with him, if he was a Bramin, and because the Gentoos is about the neck of a Bramin.

[Question repeated.]

A. I should know it was a Mussulman, because the Jamma is tied on the right side.

Q. Do you mean the Jamma of the deceased, or of his attendants?

A. I mean of the people.

Q. Was you to see Mussulmen attending a corpse, should you know it to be a Mussulman?

A. I should conceive it to be a Mussulman certainly.

Q. What persons were attending the body of Mahomed Commaul?

A. I saw that they took away the body; I do not know who attended him.

Q. You

Q. You say you know Mussulmen from Bramins at a great distance: were the persons attending Mahomed Commaul's corps Mussulmen or Bramins?

A. Mussulmen.

Q. Do you mean when you first saw the body carried out?

A. I mean when I first saw the body carried out.

Q. Was you sure they were Mussulmen?

A. I can speak with certainty.

Q. If, as soon as you saw the body come out, you saw it was attended by Mussulmen, how came you to ask whether it was a Bramin or a Mussulman?

A. I never asked whether it was a Bramin or a Mussulman.

Q. Was it because you knew him to be a Mussulman that you did not ask the question?

A. I did not ask: I heard Mahomed Commaul was dead, and I saw Mussulmen attending the body.

Q. Did you hear, at that time, or before, that he was dead?

A. I heard before.

Q. What was the name of the man?

A. Mahomed Commaul.

Q. Are you very sure?

A. Yes.

Q. Are you sure he had not "Ally" to his name?

A. He went by the name of Mahomed Commaul: I never heard of any other name he had.

[Mr. ELLIOT informs the Court, that the Word OBLAHU on the Seal is no part of the Name, but means the Slave of God.]

CHOYTON NAUT.

Q. Did you know Bollakey Dofs?

A. I did.

Q. Did you ever know Bollakey Dofs execute any bond to Maha Rajah Nundocomar?

A. I did.

Q. Did you see him execute any bond?

A. I saw myself, and heard it.

Q. Who witnessed the bond you saw Bollakey Dofs execute?

A. Mahomed Commaul, Seilabut and Matheb Roy.

Q. Did you see them witness it?

A. Yes, I did with my own eyes.

Q. What was the amount of the bond?

A. Above forty, and within fifty thousand rupees.

Q. Where is the Mahomed Commaul you saw witness the bond?

A. His house was at Muxadavad; when he witnessed the bond he staid here some time, and afterwards went home.

Q. Where is he now?

A. He is now dead.

Q. Did any other person witness the bond?

A. No other than Mahomed Commaul, Matheb Roy and Seilabut.

Q. Do you know one Commaul O' Dien Cawn?

A. Yes.

Q. Is he the same person that witnessed the bond?

A. No; this is Commaul O' Dien; that was Mahomed Commaul.

Q. Do you know that paper?

[Exhibit M.]

A. Yes.

Q. What is it?

A. An account.

Q. Can you read it?

A. Yes.

Court. Read part of it. [He did so.]

Q. Was you present when the account was settled?

A. Yes.

Q. Who else was present?

A. I was present, and Joydeb Chowbee, and Puffudden Gooptoo.

Q. Who else was present?

A. No body else.

Q. Who was in the room at the time, besides Joydeb Chowbee, and Puffudden Gooptoo?

A. Mohun Perfaud, Gungabissen, and Pudmohun Dofs.

Q.

Q. Are you sure no body else was present?

A. Maha Rajah Nundocomar was also there.

Q. Was the Nagree writing wrote in your presence?

A. The signatures at the bottom were wrote in my presence.

Q. Whose writing are the signatures?

A. Mohun Persaud's and Pudmohun Dofs's.

Q. Where was this account signed?

A. At Maha Rajah Nundocomar's house.

Q. Where?

A. In Calcutta.

Q. Was you at Maha Rajah Nundocomar's house before the parties came there?

A. Yes.

Q. Was you present when they came?

A. Yes. On one day, the three persons before-mentioned settled the account in conversation: on another day, two of them only were at the house of Nundocomar, and signed the account.

Q. Was there any Company's bonds at either of those times produced by Gungabissen, Pudmohun Dofs, and Mohun Persaud?

A. Yes.

Q. What became of them?

A. Pudmohun Dofs gave eight bonds to Gungabissen, and Gungabissen gave them to Maha Rajah.

Court. Tell what passed on the occasion.

A. Upon Gungabissen's giving the bonds to Maha Rajah, Maha Rajah said, You give me these bonds in payment. Maha Rajah told Gungabissen to indorse the bonds, and further Maha Rajah Nundocomar said to Gungabissen, Are you satisfied with this account? upon which Gungabissen replied, If any body should call you to an account about this account, I will say, Maha Rajah has nothing to do with it. Then Gungabissen took an oath to be answerable to his father, brother, and mother, or any other person, if they should enquire about the account: upon which eight bonds were delivered to Maha Rajah Nundocomar, and he kept them: Gungabissen said it was late, he would indorse the bonds in the morning: after they were gone, Maha Rajah Nundocomar desired me to come to him early

in the morning, and take the bonds to Gungabissen to get them indorsed. Next morning I went to Maha Rajah Nundocomar's, and took the bonds with me to Mohun Persaud's house, where I saw Gungabissen, Pudmohun Dofs, and Mohun Persaud: I said to them, Indorse the bonds; on which Gungabissen sent for Kissen Juan Dofs: when he came an indorsement was wrote, written by Kissen Juan Dofs, and Gungabissen signed it and delivered them to me: I then took them away, and delivered them to Maha Rajah Nundocomar.

CROSS EXAMINATION.

Q. Who are you?

A. Choyton Naut.

Q. What is your business?

A. I am a Shroff of the Banyan cast.

Q. How long have you been in Calcutta?

A. About fifteen years.

Q. Where did you come from?

A. I had a house at Muxadavad; I have one in Calcutta.

Q. Have you always resided in Calcutta?

A. I have been to my own house, and come back again.

Q. How often?

A. Three or four times.

Q. How long have you staid at a time at Muxadavad?

A. Sometimes one, sometimes two, and sometimes four months.

Q. You knew Bollakey Dofs: had you any business with him?

A. I had no connections in business with him; I was well acquainted with him; Bollakey Dofs had a house at Muxadabad, near mine.

Q. When did Bollakey Dofs die?

A. About six years, more or less.

Q. How long had he lived in Calcutta before that?

A. He came to Calcutta in 1172.

Q. Where did he live in Calcutta?

A. In Huzreymull's house in the Burrah Buzar, when he first arrived: he afterwards lived in several other houses.

Q. How long did he live in that house?

H

A. I

A. I believe, two or three months; I cannot tell for certain.

Q. Do you know what house he afterwards went to?

A. To Boggy Conty's house, to the eastward of Mohun Persaud's house in the Burrah Buzar; after leaving that house, he lived in Mohun Persaud's house, with him.

Q. You say you was present at the settlement of accounts between Maha Rajah and Bollakey Dofs; at the time of the first adjustment were any books or accounts produced?

A. I saw no accounts brought.

Q. Were there any the second time?

A. Not that I saw.

Q. Was you present the whole time?

A. I was.

Q. What was the balance settled?

A. 2369 r. 1. [This agrees with the account produced.]

Q. Was the balance struck the first or the second time?

A. When the said bonds were delivered to Maha Rajah, then the balance was struck.

Q. Who wrote the Bengal writing on that paper?

A. Poorfudden Gooptoo.

Q. Who is that man?

A. He was a writer to the Maha Rajah.

Q. When did he write the Bengal account?

A. Three or four days after.

Q. Where is the man?

A. In Calcutta.

Q. Who wrote the Nagree writing on the paper?

A. Pudmohun Dofs.

Q. Can you read both Bengal and Nagree?

A. No.

Q. Did you see Pudmohun Dofs write it?

A. I did.

Q. What sort of a man is Pudmohun Gooptoo?

A. A thin man, of a yellow colour.

Q. You say Kissen Juan Dofs indorsed some bonds: Do you know what bonds?

A. The Company's bonds.

Q. Was any body else present?

A. Nobody else was present.

Q. You say you was present at executing a

bond by Bollakey Dofs: was it in his own house, or where?

A. It was in Hudjeerymull's house, then inhabited by Bollakey Dofs.

Q. How came you there?

A. Shackeer Mahomed, Mahomed Comaul, and Joydeb Choubee, and I were present at Maha Rajah's: afterwards Bollakey Dofs came in, and went to Maha Rajah. Maha Rajah demanded from Bollakey Dofs the payment of his money; Bollakey Dofs answered, "I have at present no money, I cannot pay it, I will write out a bond." Maha Rajah's Nundocomar said, "Very well, write out a bond, fix your seal to it, and having got it witnessed, send it to me." Bollakey Dofs then said, "Give me Mahomed Commaul, that he may go with me, I will give the bond to Mahomed Commaul, and one of my own servants, and send it to you." Bollakey Dofs having got dismissal from Maha Rajah Nundocomar, went down stairs with Mahomed Commaul: I likewise got dismissal, and I, Joydeb Choubee, and Shaik eer Mahomed, went down stairs together. Mahomed Commaul and Bollakey Dofs were standing there. Bollakey Dofs having got into his palankeen, went to his own house; and we four men, half a gurry afterwards, went after him. Bollakey Dofs was before that sitting in his own house; we went to him, and sat down by him. Four other people were there; Matheb Roy, Seillabut the writer, and Diman Sing. Bollakey Dofs said to the writer, "Write out a bond in the name of Maha Rajah Nundocomar." He wrote it in Persian. Having wrote it, Bollakey Dofs said, "Read it." The writer having read it, he Bollakey Dofs heard it. Bollakey Dofs said it was good. Mahomed Commaul said it is good. Bollakey Dofs had a ring upon his finger: he took it off, and sealed it with his own hand: he then said to Mahomed Commaul, "Do you affix your seal as a witness: he then said to Matheb Roy, "Do you fix the seal of testimony to it:" he then said to Seillabut, "Do you write testimony to this:" he wrote, and both of them sealed. Bollakey Dofs put the bond into the hands of Mahomed Commaul, and he said to Seillabut, "Do you go, along with him, and both of you deliver

deliver the bond to Maha Rajah Nundocomar." Having taken the bond, they both went away, and I went to my own house.

Q. Do you understand Persian?

A. I can neither read nor write it.

Q. Was you acquainted with Seilabut?

A. I was: he was Vakeel of Bollakey Dofs.

Q. How long?

A. He came along with Bollakey Dofs: from that time I knew him.

Q. Where is Seilabut now?

A. I don't know where he is: I heard he went with Mohun Persaud to Jaggernaut, and that upon return he died.

Q. What sort of a man was he?

A. Not a very whitish man, nor a very old man.

Q. Was you acquainted with Mahomed Comaul?

A. I used to go to Muxadabad: he was at that time the servant of the Keblagaw, or father of Maha Rajah Nundocomar.

Q. In what capacity did he serve him?

A. A Muffahab. [companion.]

Q. How long ago is that?

A. Formerly; I don't know how long ago.

Q. Did you know him in Calcutta?

A. I did: when Maha Rajah's father died, he came to Maha Rajah's in Calcutta.

Q. When did that happen?

A. I do not recollect.

Q. When did he come to Calcutta?

A. I do not remember the express period; it was in the Bengal year 1172.

Q. Was he a very black man?

A. Not very black.

Q. Was he tall or short?

A. Of a middling height, neither very tall nor very short.

Q. Of what age was he?

A. Within 35, that is about 33, or 34, when he arrived at Calcutta.

Q. Where is he now?

A. He died in Calcutta.

Q. In what house?

A. I do not know, I heard that he died in Calcutta.

Q. How long ago?

A. It might be five or six years ago.

Q. Do you remember Matheb Roy?

A. I did not know him.

Q. Are you a servant of the Maha Rajah?

A. I was formerly a servant of the Maha Rajah; I am not now, he is out of employment; I am yet in hopes.

Q. What are your hopes?

A. That I shall obtain some employment; I was once the Nabob's Huffanchee, [Cash-keeper]. I was likewise the Maha Rajah's Huffanchee.

Q. What reason have you to hope for an employment?

A. I have no reason. Maha Rajah is a great man, a man of consequence; I am in hopes he may get me employment.

Q. How long have you had those hopes?

A. From the time the Maha Rajah has been out of employment; I have gone every two or three days to his house: he says, Very well, when I am in employment I will get something for you.

Q. Where was Matheb Roy born, and what is his employment?

A. Matheb Roy's was in the district of Burdwan. I do not know what his employment was: he used to come once in two or three days to Maha Rajah Nundocomar's house.

Q. Had he much respect shewn him at Maha Rajah Nundocomar's house?

A. Not much.

Q. Did Matheb Roy understand Persian?

A. I don't know whether he read Persian or not; he had a Persian ring upon his finger.

Q. What sort of a seal was Matheb Roy's?

A. Neither very large, nor small; a four-cornered seal.

Q. Did you ever see him write Persian?

A. I never saw him.

Q. Did Mahomed Comaul understand Persian?

A. I do not know. He had also a Persian seal on his finger.

Q. What shape was it?

A. It was also a four-cornered seal, but smaller than the other.

Q. Did Bollakey Dofs wear a seal upon his finger?

H 2

A. He

A. He had one.

Q. Of what shape was it?

A. A Budelanie seal.

Q. Of what size?

A. Neither very large, nor very small.

Q. Do you know the sum of the bond you saw executed?

A. It was above forty and under fifty thousand rupees.

Q. How do you know that?

A. When the bond was read before Bollakey Dofs, in the house of Bollakey Dofs, I asked Bollakey Dofs, as I did not understand Persian, what was the amount: he told me between forty and fifty thousand rupees.

Q. Was it mentioned in the house of Bollakey Dofs, at the time of executing the bond, that it was for that sum?

A. I cannot say, I do not remember well: it was between forty and fifty thousand rupees.

Q. Was it mentioned at that time?

A. I do not remember, I don't know.

Q. How come you then to know it?

A. Bollakey Dofs ordered the writer to read it; I heard it, and remember that.

Q. Did the writer read the whole bond?

A. He did from beginning to end.

Q. Was it only from hearing it read, that you knew the amount?

A. I knew it from no other reason; I heard of the bond at Maha Rajah's before.

Q. Did you hear the sum at that time?

A. No.

Q. In what language was it read?

A. In Persian.

Q. Was it read more than once?

A. I remember no more than once.

Q. Was it read in any other language?

A. I do not remember that it was.

Q. What is Persian for forty thousand?

A. How should I say? I do not understand Persian.

Q. If you did not understand Persian, and only knew the sum of the bond from its being read in Persian, then how can you tell the amount of the bond?

A. You have sworn me upon the water of the Ganges: how can I tell more than I remember?

The Court, desirous of elucidating every part of this witness's evidence, asked Mr. Elliot, if he was certain that the witness understood him. Mr. Elliot answered, "The witness seems to understand what I have said perfectly well; he understands Moors as well as any person I have examined here in that language. N. B. The man had desired to be examined in Bengal, alledging that he did not understand Moors well."

Messieurs ELLIOT, JACKSON, and JEBB sworn.

Mr. ELLIOT.

The man seems to understand what I said perfectly well. I have no doubt of his understanding me: he seems to me to understand Moors as well as any man I have examined, and speaks it more grammatically than common Bengalers do: I am sure he understood the questions I asked respecting the sum.

Mr. JACKSON.

When Mr. Elliot began to examine this witness, he desired me to give particular attention, during the examination, to the evidence he gave with regard to the preciseness of the interpretation. I did so, and confirm what Mr. Elliot has said in every particular.

Mr. JEBB.

The witness perfectly understood Mr. Elliot; he understands Moors perfectly.

Mr. Weston, one of the Jury, well conversant in the language, being asked whether he thought the witness understood Mr. Elliot, answered, he certainly understood him, he understands Moors perfectly well, and speaks it better than he does Bengally.

Mr. Jebb interpreted to him, in Bengally, all the questions that had been put to him in Moors, respecting the sum of the bond, to which he answered,

A. When the bond was read in Persian by Bollakey Dofs, as I did not understand Persian,

I asked the amount of the bond, and Bollakey Dofs told me it was more than forty thousand and under fifty thousand rupees.

Q. Did Bollakey Dofs do any thing more than put his seal to it?

A. No.

Q. Did the others?

A. Both the witnesses, whose seals are there, wrote something over their seals.

Q. Do you know what they wrote?

A. No.

Q. Did they write much?

A. No.

Q. Have you Bollakey Dofs's seal?

A. No: the papers sealed were in the possession of Pudmohun Dofs.

Q. Did Maha Rajah readily agree to take the bond?

A. He did.

Q. Was he asked more than once to take it?

A. Maha Rajah pressed him to give money; he said, he could not give money, but that he would give a bond.

Q. Did Maha Rajah, without repetition, or pressing, agree to take it?

A. He did.

Q. Did Bollakey Dofs put his hands together in a supplicating posture?

A. He put his hands thus, [joining them], and said, I cannot pay money, take my bond; and he agreed to it.

Q. In what room of Bollakey Dofs's was the bond executed?

A. In the room where he sits; a long room.

Q. Who produced the ink?

A. Bollakey Dofs went half a gurry before: when we came, a Sicca dewar was by him; nobody went for it.

Q. What sort of an ink-stand?

A. A silver octagon Sicca dewar; it was neither large nor small.

Q. Do you remember Bollakey Dofs's seal?

A. If I was to see it, I should know it.

Q. Should you know the impression?

A. I should.

Q. Should you know the impression of Mahomed Commaul's, if you saw it?

A. I should.

Q. Should you know that of Matheb Roy?

A. I should.

Q. By what means should you know Bollakey Dofs's seal?

A. I took particular notice of it, at that time, and should know it.

Q. Should you know it upon any paper?

A. Not upon any other paper; upon the bond I should.

Q. When the Mohurir read the Persian bond, was Bollakey attentive?

A. He listened with attention.

Q. When he said, Very well, did he appear satisfied?

A. He seemed, I thought, pleased and contented.

Q. What was the size of the bond?

A. I have taken an oath; I cannot speak with certainty: if I was to see the bond, I should know it.

Q. Do not you recollect the size?

A. I do not; I have taken an oath.

Q. How come you to remember that one of the seals was smaller than the other?

A. With my own eyes I saw that the seal of Mahomed Commaul was smaller than that of Matheb Roy.

Q. Did you not see the bond with your own eyes?

A. I saw the bond; I saw also the seal.

Q. What was the size of it?

A. How can I remember? a bond may be large, or it may be small.

[A bond shewn him.]

Q. Is this it?

A. No.

Q. Was it larger or smaller than that?

A. Shew me the bond, and I shall be able to tell.

Q. How can you know that bond from another by the impression of the seal, if you do not know those seals upon another paper?

A. There is Sialabut's hand writing, and two seals besides Bollakey Dofs's: by these marks I know it.

[An impression shewn him of Matheb Roy's seal.]

Q.

Q. Do you know this?

A. I do know it.

[An impression of the seal of Commaul O'Dien shewn him.]

Q. Do you know this?

A. I do not know it.

LOLLAU DOMAN SING, called and sworn.

Q. Did you know Bollakey Dofs?

A. I did.

Q. Did you ever know Bollakey Dofs execute any bond?

A. How can I know any thing of former works?

[Question repeated.]

Q. This I have seen.

[Question again repeated.]

A. Yes, I did see him one time.

Q. Do you recollect at what time you saw him execute a bond?

A. I do not remember the date.

Q. Do you mean the particular day or particular time?

A. It is ten years ago: how should I remember the time?

Q. In whose name, or for whom, was the bond you saw executed?

A. In my presence he wrote a bond in the name of Maha Rajah Nundocomar.

Q. Did you see him execute it?

A. I did with my own eyes.

Q. Were there any witnesses to the bond you saw executed?

A. There were.

Q. Who were they?

A. One Mahomed Commaul, one Matheb Roy, and Seilabut.

Q. Did you see them witness it?

A. Yes; I did.

Q. Do you remember the amount of the bond?

A. It is ten or twelve years ago, it is impossible to tell exactly: I can tell by guess.

Q. Tell by guess.

A. I think forty-six or forty-eight thousand rupees.

Q. Did you know a person of the name of Commaul O'Dien Ally Cawn?

A. Yes; he is here.

Q. Is Commaul O'Dien Ally Cawn the man you mentioned by the name of Mahomed Commaul?

A. That was another man: I saw him before I saw this now.

CROSS EXAMINATION.

Q. What are you?

A. I am in service.

Q. Whose service are you in now?

A. I go through question and answer with Roy Radachurn: [the son-in-law of Maha Rajah Nundocomar] I am in his service.

Q. What do you mean by going through question and answer with Roy Radachurn?

A. I go through question and answer with Rajah Buffan Roy.

Q. What do you mean by going through question and answer?

A. When Rajah Buffan Roy sends letters, I deliver them to the Governor, or General, and get the answers.

[Question repeated.]

A. I can say no more.

Court. [To Mr. Elliot.] What do you understand by question and answer?

A. I understand the words he makes use of (Jewaub Sowaul) to be a conversation: it is commonly used for an examination, but is never applied to a correspondence.

Q. Who is Raja Buffan Roy?

[Mr. Elliot says he was the person mentioned by Commaul O'Dien Cawn, as a relation of Ramnarrain Roy.]

Q. How long have you been in the service of Roy Radachurn?

A. Eighteen or nineteen months.

Q. How often have you been in Calcutta?

A. I have often been in Calcutta.

Q. Where was you born?

A. At Patna.

Q. When did you first come to Calcutta?

A. In the year 1172.

Q. With whom did you come?

A. I came alone.

Q. Whose servant was you when you first came?

A.

A. I was in the service of Rajah Derrick Narrain.

Q. Was Rajah Derrick Narrain in Calcutta?

A. No; he was at Patna.

Q. Into whose service did you enter when you came to Calcutta?

A. Rajah Derrick sent me down.

Q. How long did you remain in his service?

A. Two years since he died.

Q. To whose service did you enter at his death?

A. When he died I went to my own house.

Q. Where was that?

A. At Patna.

Q. How long did you stay at Patna?

A. When the Governor, Mr. Hastings, went to Banariss, I went with him: I then came to Patna, staid there as long as the Governor did, and then returned to Calcutta: it was a month more than two years.

Q. What were you employed in, all the eight years from your coming to Calcutta?

A. I was in the service of Rajah Derrick.

Q. How was you employed?

A. I returned to Patna in 1172, in the month of Carcekt, a particular feast of the Hindoos.

Q. Can you read Persian?

A. I can.

Q. In what month was you here?

A. I do not remember whether it was in Byfack, or in Joite, it was one of them: it was in the rainy season.

Q. What business did you come to Calcutta upon?

A. I was sent to Maha Rajah Nundocomar.

Q. What house did you live in at Calcutta?

A. At Joorabadun.

Q. Where did you see this bond executed that you speak of?

A. At the house of Huzzrey Mull.

Q. Did Huzzrey Mull live in the house?

A. Bollakey Dofs lived there.

Q. How came you in the house?

A. I frequently went backwards and forwards there.

Q. What kind of a man was Bollakey Dofs?

A. Of a yellow colour, and old.

Q. Who was present at the execution of the bond?

A. Mahomed Commaul, Joydeb Chowbee, Choyton Naut, Shakeer Mahomed, Seilabut, Matheb Roy, and myself.

Q. Was no body else present?

A. There was a writer.

Q. What was his name?

A. It is many years ago: I have forgot.

Q. Did you ever know it?

A. I have forgot.

Q. Was you acquainted with all the people you named?

A. I knew them all before, except the writer.

Q. How long did you know Mahomed Commaul?

A. I did not know him before I used to see him sometimes at the house of Maha Rajah.

Q. Did the writer belong to Bollakey Dofs?

A. I do not know.

Q. How came you to the house of Bollakey Dofs that day?

A. I used now and then to go; it happened I went then.

Q. Had you any particular reason to go?

A. I went by chance: as I used to go before, so I went then.

Q. Who was there when you went?

A. Matheb Roy and Seilabut.

Q. What time of the day was it?

A. Before mid-day.

Q. Was any other person in the room when you went?

A. No body but Matheb Roy and Seilabut.

Q. Was it near mid-day when you went?

A. It was.

Q. Was Matheb Roy and Seilabut in the room that the bond was executed in?

A. They were.

Q. Was Bollakey Dofs there when you first came?

A. No.

Q. Was the writer there?

A. No.

Q. When did Bollakey Dofs come?

A. It might be one gurree, or one gurree and a half, that I was there before he came.

Q. Did any one come to them before Bollakey Dofs came?

A. No.

Q. Who came with Bollakey Dofs?

A. He came alone, only his kidmutgar.

Q. Did any one else come with him?

A. No.

Q. What did he do when he came? did he speak to you?

A. He did not speak to any body: he took off his clothes and sat down.

Q. When did the writer come?

A. After Bollakey Dofs had arrived, half a gurree after Mahomed Commaul and the others came.

Q. Did they come before the writer, or after?

A. When Bollakey Dofs arrived, he called for the writer, and the writer first arrived.

Q. Did any conversation pass between the writer and Bollakey Dofs?

A. No conversation passed.

Q. Do you know that for certain?

A. I tell it for certainty.

Q. Are you very positive there was no conversation between Bollakey Dofs and the writer?

A. There was no question and answer between them; there was no words between them.

Q. When Bollakey Dofs came into the house, did he come directly into the room where you were?

A. He came directly to the place where he sat.

Q. Are you sure he went to no other room?

A. I was sitting in the place where Bollakey Dofs afterwards sat: I saw him sit down.

Q. Did you see him enter the doors and come up stairs?

A. I was sitting above stairs; I did not see him come up stairs, or come into the doors of the house.

Q. Did he come in a palanked?

A. I was within; I did not see.

Q. Did you hear the noise of Scwarry?

A. He was not of so much rank that he should make so much noise.

Q. When did the writer come in?

A. When Bollakey Dofs came into the house, he sat down, and ordered the writer to be called.

Q. Who did Bollakey Dofs send for the writer?

A. His kidmutgar.

Q. What did he say to him?

A. It is long ago: I do not remember.

Q. How long was it before the writer came?

A. I do not know exactly, it was a little time.

Q. Did they mention his name?

A. I do not remember their sending for the writer by name.

Q. *by the jury.* Did the writer live in the house, or out of the house?

A. I do not know.

Q. Could Seilabut write Persian?

A. He could.

Q. Did Bollakey Dofs send for the writer directly when he came into the room?

A. No, he sat down a little, said a few words, and then sent for him.

Q. How long?

A. He sat down, spoke two or four words to Seilabut, then sent for the writer.

Q. What did he say to the writer?

A. After his arrival Mahomed Commaul and the other persons before mentioned came.

Q. Did Bollakey Dofs give any directions to the writer before they came in?

A. After they came, he ordered him to write.

Q. Did he before?

A. No orders were given before they came.

Q. What did he order him to write?

A. After they came, Bollakey Dofs gave directions to the writer.

Q. What directions did he give?

A. What the writer wrote in the bond.

Q. What was that?

A. I do not remember; it may be seen in the bond.

Q. Do you remember what Bollakey Dofs told the writer?

A. He

A. He told him the subject of the bond in the Moor language.

Q. What was that?

A. I do not remember; it is what is in the bond: if I remember'd it, why should I keep it with me?

Q. Do you remember nothing that was in the bond?

A. I know nothing at all, not a word.

Q. How long was the writer writing the bond?

A. About a gurry.

Q. Did Bollakey Dofs repeat once or twice, or how often, what was to be wrote in the bond?

A. As far as I can recollect, he told him to write a bond, to this particular purpose; and then directed what he was to write.

Q. What was the sum?

A. About 47 or 48,000 rupees.

Q. Was any mention of interest, or any thing else, in the bond?

A. I do not well remember.

Q. Do you remember at all?

A. I do not.

Q. After the bond was wrote, what passed?

A. Having prepared and finished it, he put it in the hands of Bollakey Dofs. Bollakey Dofs returned it to him, and said, Do you read it over; he then read it once in Persian, and gave it to Bollakey Dofs.

Q. Was it read more than once?

A. It was not.

Q. Are you sure it was read in Persian?

A. I am.

Q. Did any thing farther pass?

A. Mahomed Commaul was sitting next to Bollakey Dofs: he said, Do you witness Mahomed Commaul put his seal: he said to Matheb Roy, Do you likewise witness it; and he sealed it: he likewise said to Seillabut, Do you likewise witness this; and he signed it.

Q. Did any body else write on the bond?

A. Nobody else.

Q. Did Bollakey Dofs seal the bond?

A. He did.

Q. When did he seal it?

A. He first put his seal to it, and then the witnesses.

Q. Who sealed the bond first?

A. Mahomed Commaul.

Q. Are you certain?

A. I was sitting, and saw him.

Q. Are you certain?

A. I say so.

Q. Who sealed next?

A. Matheb Roy.

Q. Do you speak with certainty?

A. I do speak with certainty.

Q. Who sealed next?

A. Seillabut then signed.

Q. Are you certain?

A. I am; I speak with certainty.

Q. Are you sure, that nobody else wrote after Seillabut?

A. Nobody else wrote but Seillabut and the writer.

Q. Did nobody else use a pen?

A. No: nobody else.

Q. What! nobody but Seillabut and the Writer?

A. No.

Q. What place was the bond sealed in?

A. As is customary in Persian bonds.

Q. What is that custom?

A. They write this way (obliquely). The right hand is the place for the seals.

Q. Show the position of the seals on paper.

A. The bond was wrote obliquely, from right hand to left; the seals in a line, on the margin.

Q. Whereabouts did Seillabut sign?

A. Near Mahomed Commaul's seal, he signed it.

Q. Do you know Bollakey Dofs's seal?

A. I do.

Q. How do you know it?

A. I knew it, because he used to write letters to my former master Roy Derrick.

Q. Do you know Mahomed Commaul's seal?

A. I do: I frequently saw it on his finger.

Q. Should you know it, if on any other paper than the bond?

A. I certainly should know the impression of the seal wherever I saw it.

Q. What shape is it?

A. A four-cornered seal.

Q. How often did you see Mahomed Commaul before he signed this deed?

A. When I went to Maha Rajah's, I sometimes saw him, and sometimes did not.

Q. How often have you seen him?

A. I cannot count how often I have seen him.

Q. Have you seen him twice?

A. I cannot say I have seen him twice. Why should I say twice? I have seen him many times.

Q. Did you often see his seal?

A. I used to see it on his fingers.

Q. Did you ever take it off his finger, and examine it?

A. I have seen the seal on his finger. I never took it off to examine it. Why should I take off the seal of another man?

Q. Then you never did take it off to examine it?

A. I did not. Why should I take the seal of another man?

Q. Do you mean that, if you saw the impression, you should be able to read the name; or should you know it from any other circumstance?

A. When I see it, I will think of it. I shall be able to tell.

[Question repeated; no answer could be obtained.]

The question was several times repeated, but no answer could be procured.]

Q. Do you know Matheb Roy's seal?

A. I know it a little: if I was to see it on the bond, I should know it.

Q. Should you know it on any other paper than the bond?

A. I shall be able to tell when you try me.

Q. Do you believe you should?

Interpreter. He does not chuse to answer the question. I can procure no answer from him.

Q. Should you know the seals from their places on the bond, or from the seals themselves?

[No answer could be procured.]

Question repeated.]

A. I before said, Shew me the bond, and I will tell.

Q. Will you say, whether you should know the seals from their place on the bond, or from the seals themselves?

A. What I know I say: if you shew me the bond, I think I should know the seals.

Q. What size was Matheb Roy's seal?

A. It was larger than the seal of Mahomed Commaul. [A paper given him to describe on.]

Q. Shew how large the seal was.

A. I am not a seal-cutter. How should I mark it? Having sworn, I will say what I remember; I cannot say what I do not.

Q. Making a mark is not speaking words. [He is again asked to make a mark.]

Witness. Observe that you order me to make a mark.

[He makes a mark near the size of the seal.]

Q. What was the shape of Bllakey Doss's seal?

A. A Buddamee seal.

Q. How large was that seal?

A. Not very large, nor very small.

Q. Who brought the instant?

A. His Kimmutgar.

Q. Are you certain, he brought it in?

A. Very certain.

Q. Was he sent for it?

A. The Kimmutgar brought it.

Q. Was it before Mahomed Commaul, or the witness came?

A. Before.

Q. What was the sicca dewat made of?

A. Silver.

Q. What size?

A. The size they generally are.

Q. What size is that?

[He describes by his finger as before described.]

Q. What size is the bond?

A. I remember thereabout half a cubit, nearly the size of the bond.

Q. What was done with the bond?

A. When the bond was executed, he gave it to Mahomed Commaul, whom he sent with

Seillabuti.

Seillabut, to give it to Maha Rajah Nundocomar.

Q. Where did the witness go to?

A. A little after the departure of Mahomed Commaul, and Seillabut, Shaik Mahomed, Choyton Naut, and Chowdeb Chowbee, having got their admission, went away. Half a gurry after that, I went away too.

Q. Was then any conversation passed, whilst the writer signed the bond?

A. Before the writing of the bond, some conversation passed between Matheb Roy, Bollakey Dofs, and myself.

Q. What was it?

A. I will relate to you what I remember. Bollakey Dofs said to Seillabut, I have been to Maha Rajah Nundocomar; and we have settled every thing about the jewels. He is my patron, and I have done according to his pleasure. For such a business as this, it is not proper to have any difference with him. I am therefore to write out a bond. Seillabut and Matheb Roy said, You have done right. He is your patron; it is proper you should not do any thing contrary to what he says. After that they called for the writer.

Q. Were Joydeb Chowbee, and Mahomed Commaul there?

A. No: they came after.

Q. Did you mention this conversation to any one before?

A. I never did.

Q. Was there no mention of these jewels in the bond?

A. It may be, but I do not remember.

Q. Was Bollakey Dofs pleased when the bond was read?

A. He was pleased, and satisfied.

Q. Did Bollakey Dofs understand Persian?

A. He must have understood Persian; he said it was very well, but he did not write it; and I do not know that he could speak it; I never heard him.

Q. Did you, by any other means, know whether he understood Persian or not?

A. I did not.

Q. Did Mahomed Commaul say any thing?

A. He said nothing.

Q. Are you sure?

A. He did not.

Q. Did not Mahomed Commaul say it was very well?

A. I do not remember.

[He proves a seal of Bollakey Dofs to three envelopes, which had been opened, and which the Counsel for the Prisoner offered in evidence, but was overruled by the Court, there being no signature from Bollakey Dofs to the papers inclosed, nor any proof, whose hand-writing they were, or that those papers were originally inclosed in the envelopes; because, if they were allowed to be given in evidence, they might impose what papers they pleased on the Court, by putting them into the envelopes. The Jury having desired to look at the papers, the Foreman observed on inspecting them, that it was an insult to their understanding, to offer those papers in evidence, as papers of the date which they purported to be of.]

[The Counsel for the Prisoner speaking in a warm and improper manner to the Jury.]

Court. This is a manner in which the Jury ought not, and shall not be spoke to. The Prisoner ought not to suffer, from the intemperance of his advocate. You, Gentlemen of the Jury, ought not to receive any prejudice to the Prisoner on that account, nor from the papers themselves, which not having been admitted in evidence, you should not have seen; and having seen, whatever observation you have made, you should forget: it is from what is given in evidence only, that you are to determine.

Jury. We will receive no prejudice from it. We shall consider it the same, as if we had not seen it: we will only determine by the evidence produced.

MEER USSUD ALLY, called.

Q. Did you know Bollakey Dofs sent?

A. Yes. Meer Cossim Ally Cawn sent me with treasure from Rotas to Bollakey

I 2

Dofs

Dofs feat. I delivered the treasure to him, and took his receipt for it.

Q. Where was Bollakey Dofs at that time?

A. At a place called Dues Gaury.

Q. Where is that place?

A. To the westward of Sasserum.

Q. Is there any seal to that receipt?

A. There was one seal of his to it.

Q. Where has that receipt been ever since?

A. With me ever since. [He produced a paper, wrapped in a wax-cloth, closely pressed and doubled into the size of less than an inch square, bound tightly down with a string, which was cut open, and the paper carefully unfolded, and produced as the original receipt.]

Q. Did you see Bollakey Dofs affix his seal to the paper?

A. If you want to know, there is another gomastah of Bollakey Dofs's in Court; call him.

[Question repeated.]

A. I did see it with my own eyes.

Q. How long ago is it?

A. Look at the paper; you will see the date there.

Court. You must give a positive answer.

A. It is ten or twelve years ago; it was in the time of Cossim Ally.

Q. What are you at this time?

A. I am at present in no business: I come to seek employment in this part of the country.

Q. How long have you been here?

A. About two months.

Q. From whence came you last?

A. From Patna.

Q. What was you there?

A. In service.

Q. In what capacity?

A. With Shittab Roy; I was Daroga of the Mint.

Q. What was your business immediately before your leaving Patna?

A. I was out of employment, and obliged to come here to seek it.

Q. How long since you left Patna?

A. About six months past.

Q. When was you last in service?

A. Since I left Shetab Roy, I have entirely been out of service.

Q. To whom have you applied for employment since you came to Calcutta?

A. It is now eight years since I came to Calcutta: I had an interview with Maha Rajah Nundocomar, who promised me that, God willing, when he got employment, I should.

Q. What employment did you want?

A. I wanted an appointment under Molauck ul Dowlah, that I might receive some monthly wages.

Q. When did you first see Maha Rajah Nundocomar?

A. When Major Munro brought me to Calcutta, I first saw the Maha Rajah.

Q. How soon did you see him after you came to Calcutta?

A. About four days.

Q. Are you sure of that?

A. Can there be any advantage in telling a lye on this occasion?

Q. In whose service were you before you served Shetab Roy?

A. I was formerly a servant of the King at Delhi when he came to Bengal: I was afterwards in the service of Meer Cossim Ally, and after that with Jaffier Ally.

Q. When you came from Patna, why did you bring this paper with you?

A. No no; I was at Muxadavad, when hearing of this affair, I told to some body, I had a paper with Bollakey Dofs's seal to it.

Q. Who did you tell so?

A. I said no such thing; I never heard of this affair at Muxadavad.

Q. Did you know any thing of this affair when you left Patna?

A. No.

Q. How came you to say you know this affair? was it at Muxadavad that you told the man you had this receipt?

A. I left Muxadavad in the month of Maharun.

Q. Did you mention any thing of this paper to any person?

A. No; why should I mention any thing of a paper of my old master's?

Q. Think well, and say whether you ever mentioned having this paper to the Maha Rajah, or to any other person?

A. Why should I tell any one I had such a receipt? if any one can say that I did, I deserve punishment: I had a receipt of my old master's in my possession; if I had given it to any one, and my children had fallen into the hands of my master, they would have been slain.

Q. Who desired you to bring this receipt here?

A. Maha Rajah Nundocomar asked if I had such a receipt; I told him I had, and he desired me to bring it here.

Q. Are you very sure you never told any person of a receipt, that could tell Maha Rajah Nundocomar?

A. I told no one of the circumstances of the receipt.

Q. How did Maha Rajah know you had a receipt?

A. In the course of conversation, he mentioned to me the circumstances of the perfection: I told him I had a paper with a Persian seal to it, and this was the paper.

Q. Can you shew in Bollakey Dofs's books any account of the receipt of this money?

Court. Look for it.

Witness. I said I had a receipt of Bollakey Dofs's; this is the paper.

Q. Did you, at that time, tell the Maha Rajah any thing more than that you had a Persian seal?

A. I said that I had the impression of the seal of Bollakey Dofs.

Q. What did you mean, when asked if you told Maha Rajah Nundocomar, that you said particularly you did not?

A. I excepted Maha Rajah Nundocomar.

Court to Mr. Elliot. Did he or not?

A. He did not.

Q. to witness. Why did you bring the receipt to Calcutta?

A. I did not bring it to Calcutta; I left it at Muxadavad: when I told Maha Rajah I had such a receipt, he desired I would send for it: I sent a servant of my own, of the name of Berzey, to Muxadavad.

Q. Have you a house at Muxadavad?

A. I have.

Q. Why did you say you came from Patna?

A. I went from Patna to Muxadavad.

Q. How long had you been at Muxadavad before you left it the last time?

A. I arrived at Muxadavad on the month Zeehidjah; I left it in the month of Mahaurun this year.

Q. When did you come last to Muxadavad?

A. I arrived there on the tenth of Zeehidjah, and left it on the 22d of Mahaurun.

Q. In whose possession did you leave the seal at Muxadavad?

A. I left a little box with my wife, in which was this paper.

Q. Did you send to your wife for the receipt?

A. Yes.

Q. Did you send a verbal or a written message?

A. I wrote a note.

Q. In what language?

A. My own was in Persian.

Q. What countrywoman is your wife?

A. A Bengal woman; a native of this country.

Q. Does your wife understand Persian?

A. No; how should she?

Q. What did you write to her in the note?

A. I wrote to her to send the receipt in the Tavuze bauzu.

Q. What is the meaning of Tavuze bauzu?

A. It is what is kept under the jamma, bound round the arm: the receipt was shut up in the Tavuze bauzu.

Q. What answer did your wife send?

A. She sent the Tavuze bauzu, and a note informing me she had sent it.

Q. Did you read it?

A. Does not a man read a note he receives?

Q. In what language was it wrote?

A. In Persian.

Q. Did she write it herself?

A. Do women know how to write?

Q. Does any body in the house write Persian?

A. She would probably send for a Mulla to read my note, and get the answer wrote: I am a poor man, and have no servant of that sort.

Q.

Q. Was you used to wear this tawuze bauzu about your arm?

A. I formerly did, but since my master was gone I threw it into a little box.

Q. Why did you?

A. My master, to whom it belonged, being gone, I threw it into the box: why should I keep it any longer?

Q. Did you then consider it of any further value when your master was gone?

A. When my master was gone, I was at Rotasgur, where my master had sent me: I kept it out of fear.

Q. Why did not you give it your master?

A. I did: He said, Keep it yourself, and I will take it of you hereafter: it remained with me.

Q. What did the treasure consist of, you carried to Bollakey Dofs?

A. They were bags of rupees which I paid to Bollakey Dofs.

Q. How many?

A. It is impossible to say how many bags in so large a sum. There were many bags containing 2000 rupees; some might contain more.

Q. Where did you carry it from?

A. Rotasgur.

Q. To what place?

A. I was carrying it from Rotasgur to the Nabob Cossim Ally Cawn: he ordered me to carry it to Bollakey Dofs.

Q. Where was Bollakey Dofs?

A. In a tent at Doorgauty.

Q. How far was that from Rotasgur?

A. It is 12 coss from Saffiram, and that is three days journey to Rotasgur.

Q. Who went with you?

A. My own people.

Q. How many?

A. 150 horsemen, and 150 peons.

Q. Can you produce one?

A. I cannot tell where to find one. Some are at Muxadavad, some at Batna, and some dead.

Q. Can't you produce one?

A. How should I? I know of none.

Q. Where is the man that brought the receipt to you from Muxadavad?

A. In town: I will bring him to-morrow.

Q. What is his name?

A. Buzzoo.

Q. What sort of a man is he?

A. A poor man; young, not old, and shaves his beard; of a middling size, neither fat nor thin.

Q. Is he your servant, or any other person's?

A. He is a Raffeeck of mine; what I get he eats with me.

Q. If he is a Raffeeck, why did you before say you sent your servant?

A. He is called servant sometimes, sometimes a raffeeck, and sometimes a brother.

Q. How many servants do you keep?

A. I have likewise a slave boy; he and I eat rice together.

Q. Have you any other servant?

A. I have no power to have servants.

Q. What religion are you of?

A. A Mussulman.

Q. What is Buzzoo?

A. A Shaik (Mussulman).

Q. Have you ever had any promise for coming here?

A. I have not received the smallest thing from him; [pointing to the Prisoner] he only said he would procure me to be a servant of the Nabob's.

Q. When was you to enter into your employment at the Nabob's?

A. When he (Maha Rajah) should be released and sent to his own house, he would give it me.

Q. At whose expence have you lived since you have been at Calcutta?

A. The circumstance is this; I brought some rupees with me to Calcutta.

Q. You have been long out of employment; how have you subsisted?

A. I had jewels and valuables; I have sold them all, and by that means maintained myself. Major Munro gave me 2000 rupees.

Q. Was Bollakey Dofs the usual Shroff of Cossim Ally Cawn?

A. If he was not, why should he pay the money to him?

Q. Did you know of Cossim Ally paying any other sum of money to Bollakey Dofs?

A. No.

A. No; I was a servant, and did only as I was ordered.

Q. Did you ever pay any money to Bolla-key Doss for Cossim Ally before?

A. I never did.

Q. How do you know he was a banker?

A. I had two bills on him from Cossim Ally.

Q. Whose province was it to settle the accounts with his banker?

A. How should I know? I was a poor man.

[Question repeated.]

A. The name of the office is Mustoafah: his name is Mustowaffee.

Q. How could the Mustowaffee settle the Nabob's accounts without this receipt?

A. At that time the country was in great troubles: his household was in great disorder, and the Nabob ran away.

Q. What part of Calcutta do you live in now?

A. I live on the Subah Bazar.

Q. In your own house?

A. In a religious house, in which I live for nothing.

Q. Did you, or not, know of this affair at Muxadavad?

A. No.

Mr. Elliot. I cannot be positive that he said that he heard it at Muxadavad; and that may serve to clear up the inconsistency, in his saying he had told no one, as he had not at that time told the Maha Rajah.

Q. to Mr. Elliot. How long is it since the date of that receipt?

A. I believe ten years and two days; but I cannot be certain without calculating.

KISSEN JUAN DOSS.

Q. Do you know any thing of this transaction?

A. No.

Meer Uffud Alli. You were present when the money was paid.

Q. to Kissen Juan Doss. Do you know any thing of it?

A. I do not remember.

Q. Had you been present when so large a sum of money was paid by the Prince of the Country; should you not have known it?

A. I don't remember: great sums of money

were paid in the house, from 25 to 50 lacs: I can't remember all.

Q. to Uffud Alli. Have you been at Patna since Shetab Roy died?

A. No: I have been to Calcutta, also to Purnea, and other places, in search of employment.

Q. to Kissen Juan Doss. Is there a separate account of Cossim Ally Cawn?

A. There is.

Q. Why did you look over this book, knowing it in the other?

A. It would likewise have been in this book: I could find easier in the other.

JUNE 1, th, 1775.

Question to Mr. ELLIOT.

WHAT is the Persian word for forty-thousand?

A. Chekill Hazuar: in Moors it is Chaleefe Hazaar.

Q. What is 50,000?

A. It is Pensaw Hazaar in Persian; and Putchaa Hazuars in Moors. [Mr. Weston, one of the Jury, added, that in Bengally the sums were the same as in Moors.]

COLONEL GODDARD.

Q. Was you the officer who took Rotargur?

A. I was.

Q. What year was it?

A. I don't recollect the year by the Hegyra: I can tell by that of our Lord: it was in 1764.

Q. When did Cossim Ally leave Rotargur?

A. I cannot ascertain when he left it: I believe he never was there: he was not there when I took it.

Q. Was you at the battle of Muxat?

A. No.

Q. When was it fought?

A. Twenty-second or twenty-third of October, 1764.

Q. Had Cossim Ally then left the Provinces?

A. After taking Patna, in 1763, Cossim Ally had no place of strength left in the Provinces, excepting Rotas.

Q.

Q. Can you tell where he fled across the Caramanassa?

A. I was wounded, and left at Patna: he passed the Caramanassa at that time: after the reduction of Patna, the army passed into the Caramanassa, following Coffim Ally.

Q. When did he return?

A. He returned into the Provinces in 1764.

Mr. HURST.

We took Patna in November, 1763: our army marched immediately to the Caramanassa: Coffim Ally and the troops with him passed the Caramanassa at that time: about November or December, 1763, he returned to the Provinces, with Sujah ul Dowlah: about April, 1764, our army retreated to Patna: the cannonade from Sujah ul Dowlah was the 3d of May, 1764: Coffim Ally and Sujah ul Dowlah retreated from, and Coffim Ally never returned again to, the Provinces. Buzar indeed is just within the Provinces. The battle of Buzar was fought the 23d of October.

MAJOR AUCKMUTY.

Court. Do you remember where Coffim Ally was encamped, three weeks or a fortnight before the battle of Buxar?

A. I think at Buxar.

Q. In going to Buxar, do you not go through Jassuram?

A. You do.

Q. Had Coffim Ally any fixed camp after his departure from Patna, till the intrenchment at Buxar?

A. I believe he had not any camp: he was with Sujah ul Dowlah's army.

Q. Had they any camp at Doorgolly?

A. I do not know of any: I think they would neither of them leave the body of the army. Jassuram is inland, Buxar is on the river. I cannot say but he might have had a camp at Doorgolly.

Mr. Elliot. I can now ascertain the date of the receipt produced to the Court by Meer Asfud Ally. I can swear to the date by the records of the khalsa.

Q. Have you examined the records of the khalsa?

A. I have; and find that the 14th of Rubuffanee, in 1178, Hegyra, which is the date

of the receipt now produced, answers to the 28th of Assum, 1174, Bengal year; which is exactly 10 years, 8 months, and 5 days, from this time, (13th June, 1775,) I mean calendar months, which brings the date of the receipt to the 8th of October, 1764. N. B. 45 days before the battle of Buxar.

Q. From what place is the receipt dated?

A. It is not dated from any place: Dorgolly is mentioned in the paper.

KISSEN JUAN DOSS.

Court. Have you examined, and do you find these and the books produced last night to be all the books in which Coffim Ally's accounts with Bollakey Doss are contained?

A. They are all, and I have examined them: I did not look over the books yesterday so carefully: one book contains all the accounts between Bollakey Doss and Coffim Ally.

Q. Does that book contain the whole of the accounts between Coffim Ally and Bollakey Doss?

A. It does.

Q. What are the periods when the accounts in these books begin, and when they end?

A. They begin in Babuzanee, 1175, and end in the month of Saubem Nagree, 1821.

Q. Is there any mention of such an account as this mentioned in the receipt?

A. There is no such entry: it is certainly not in the books: I cannot ascertain when the books close.

Q. Is the date of the beginning of the transactions in the books regularly entered there?

A. It is.

CAPTAIN CARMAC.

Q. Was you with the army in 1764?

A. I was.

Q. Do you remember Sujah Dowlah and Coffim Ally's retreating from Patna in that year?

A. Their army was defeated before the walls of Patna: 3d May, 1764, they retreated to Banaras, and continued there.

Q. How far is Rotargur from Doorgolly?

A. I believe Doorgolly is a town on the banks of the Soame: there is more than one place of that name.

Q.

Q. Is there a river called Doorgotty?
A. There is: I apprehend you cross it in going from Jasseram to Buxar. It falls into the Soam.

Q. How far is Jasseram from Rotasgur?
A. It is esteemed 12 coss.

Q. Did you ever travel it?
A. I have.

Q. In how many hours?
A. I set out early in the morning, and breakfasted there, I apprehend, about 10 o'clock. I rode very hard: they are long cosses, and through a hilly country: it was in the cold weather.

Q. Can you tell where the army of Sujah Dowlah and Cossim Ally were, fourteen days before the battle of Buxar?
A. I believe, encamped at Buxar.

KISSEN JUAN DOSS.

Q. What is the last date mentioned in the books?
A. The last date mentioned in the books is taken from a teep, or promissory note: I entered it long after the date of the receipt: I entered it at Calcutta. It was after the return of Bollakey Doss from the army.

Q. Was you with Bollakey Doss with the army?
A. I was.

Q. Do you know the river Doorgotty?
A. I do.

Q. Was Bollakey Doss in a tent near that river, about the 14th of Rabufanee, 1178?
A. He was with the army: I know not when.

Q. Was Bollakey Doss with the body of Cossim Ally's army, a little before the battle of Buxar?
A. He was.

Q. Where was the army 14 days before the battle?
A. A month before that battle they were in cantonments at Buxar.

Q. Did the river Doorgotty run near Buxar?
A. The army was once near the river Doorgotty; but not when they were encamped at Buxar.

CAPTAIN CARMAC.

Q. Do you know Buxar?
A. I do.

Q. How far is the river Doorgotty from it?
A. I do not know.

KISSEN JUAN DOSS.

Q. When the army was near Doorgotty, do you remember a man coming with treasures, escorted by three hundred men, on account of Cossim Ally?
A. I do not remember any thing of it.

Q. If such a transaction had happened, must it not appear in Cossim Ally's account?
A. Such matters were always minuted in the Persian office: when any treasure was brought, it was kept in this book; but no account at large was kept at Patna.

Q. Was the teep you refer'd to in the book, paid in Calcutta, or only entered there after the transaction?
A. The entry was made by Bollakey Doss: I can give no more particular account.

Mr. Elliot. I understand that these books end in 1176, Hegyra.
Q. Do you apprehend that any part of the army with which Bollakey Doss might be, would be detached to the river Doorgotty, within a month of the battle of Buxar?
A. I know of no such detachment.

Q. Do you remember when the body of the army was there?
A. The army was frequently in motion. I can give no account of the time of its being there. When the army was in the field, it was expected the rain would come on: the army went to the cantonments at Buxar.

Q. Was the army at Buxar before the rains?
A. I cannot speak to the motions of the army.

Q. Were the rains set in when the army went to the cantonments at Buxar?
A. I can't tell whether it rained any one day.

Q. Was it, or was it not, before the rains, that the army came there?
A. Ten

A. Ten or twelve days after our arrival, I remember it rained.

Q. Had the rainy season set in?

A. I don't mean to say that the rainy season began 10 days before, or 10 days after our arrival.

MR. HURST.

Q. About what time does the rainy season set in at Buxar?

A. It generally sets in, the latter end of June, or the beginning of July.

Q. Does it hold up 10 or 12 days, during the rainy season?

A. There are instances of it.

Q. When does the rainy season end there?

A. The rainy season generally ends in the month of September, or in the beginning of October.

KISSAN JUAN DOSS.

Q. Was you at the battle of Buxar?

A. I was. I have reason to remember it. I was, after the battle, flung into confinement.

Q. Did the army, or any part of it, after its first going into cantonments, move towards Doorgotty?

A. I am not well acquainted with the circumstances. I was confined before the battle. All Cossim Ally's people were confined by Sujah Dowlah.

Q. Was Bollakey Doss also confined?

A. He was.

Q. How long before the battle was Bollakey Doss confined?

A. I believe above a month, perhaps six weeks.

Q. Did Bollakey Doss act as a Shroft for Cossim Ally during his confinement?

A. What kind of question is that? Cossim Ally himself, was in confinement. Where should he have money to send to his Shroft?

Q. What kind of confinement was Cossim Ally in?

A. In a tent near Sujah Dowlah: his own attendants were removed, and chowkies put over him.

Q. What confinement was Bollakey Doss under?

A. I have taken an oath, and I will tell the truth. The Nabob, Sujah Dowlah, wanted to get money from Bollakey Doss, in confining him first, before the rest of Cossim Ally's servants. The treasurer of Sujah Dowlah (Collic Joqu) desired the Nabob to put Bollakey Doss under his charge; and promised to get money from him. Sujah Dowlah likewise plundered all the goods and effects of Cossim Ally; he even infringed the rights of his Zenana. It was not till after the battle of Buxar, Cossim Ally obtained his liberty: they did not think it of consequence enough to confine me at first with my master. I was confined 14 or 15 days after the confinement of Bollakey Doss.

Q. How many days were you confined?

A. Twenty-one days.

Q. Did you ever, to the best of your recollection, see Meer Hussud Alli before yesterday?

A. I have often seen him lately going about in Calcutta; but never before.

Q. Have you seen him with the army?

A. I have seen many thousands whom I do not recollect: I know nothing of him.

Q. Did you see Cossim Ally's principal servants?

A. I did not know them. I sat in my tent.

Q. In case any treasures had come to Cossim Ally, or Bollakey Doss, during their confinement, what would become of it?

A. When a man is in confinement, he who confines him will take it: whatever Bollakey Doss had, Collic Joqu took from him.

Q. Did Collic Joqu give a receipt for the money he plundered?

A. I don't understand such conversation.

Q. If any treasures had come to Bollakey Doss, which Collic Joqu had taken, would Bollakey Doss have given a receipt for it?

A. Why should I suppose treasure would come at that time, or why should he give a receipt for it?

Q. Can you take upon you to swear that no such treasure arrived?

A. From the time that I was in confinement,

MAHA RAJAH NUNDOCOMAR, BAHADER.

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ment, I can take upon me to swear that no treasure was brought.

Q. Was Cossim Ally Cawn, and Bollakey Doss in the same army together?

A. Bollakey Doss was in the same army with him.

MR. WILLIAMS.

Q. Do you know the river Doorgotty?

A. I do not know the names of the rivers in that country.

Q. Do you know at what time the army of Sujah Dowlah entered their cantonments at Buxar?

A. They cannonaded Patna in May: I can only answer for the motions of our own army. The battle of Buxar was the 23d of October.

KISSEN JUAN DOSS.

Jury. For how long a time have you seen Meer Huseed Alli about Calcutta?

A. Ten or fifteen days from this time.

Q. How often have you seen him?

A. About twice.

Q. Did you talk with him?

A. No.

Q. How came you to know him?

A. I saw him once on horseback. He said I know you, you were Bollakey Doss's servant; I answered, Very probably: there was a servant of mine with me.

Q. What is his name?

A. I do not know.

Q. Had you ever seen him before?

A. Once: nothing then passed between us.

Q. How came you to know his name?

A. I did not know his name when I saw him in court.

Q. Did you go to the house of Maha Rajah Nundocomar?

A. I never went near him. I like to sit in my own house.

Q. Was there more than one body of the army at Buxar?

A. The two armies were separate: there might be a coss or a coss and a half betwixt. Cossim Ally carried equal army from hence;

but at the time of the battle, I believe Cossim Ally had not more than from 500 to 2000 men belonging to him.

Q. Was Cossim Ally close confined on the day of the battle?

A. He was; and at the end of his confinement, he could not be said to have any army at all; several were gone, and he had given dismissal to others: he had dismissed Sumroo: Cossim Ally was not released till after the battle.

SHAIK EAR MAHOMED.

Q. Do you know Mahomed Commaul?

A. I did.

Q. Do you know more than one of that name?

[The question was repeated several times, but no answer could be produced.]

Mr. Elliot. It is impossible he can mistake me: he will give no answer.

At last the witness said, I did not know any other Mahomed Commaul.

Q. Do you know Commaul O' Dien Ally Cawn?

A. I did.

Q. Is the Mahomed Commaul you speak of, and Commaul O' Dien the same person?

A. They were different.

Q. Is the Mahomed Commaul you speak of alive or dead?

A. Dead.

Q. How do you know?

A. I buried him.

Q. When did he die?

A. Five or six years ago: I do not remember exactly.

Q. Where did he die?

A. He died in the house of Maha Rajah Nundocomar, in Calcutta.

Q. Where did he usually reside while living?

A. In a little place separate from the house of Maha Rajah: when he came from Muxadavad, Maha Rajah put him there.

Q. Do you know whether that Mahomed ever witnessed any bond to Maha Rajah Nundocomar?

K 2

A.

A. I saw him witness it with my own eyes: I saw him put his seal to it.

Q. Who gave the bond to Maha Rajah Nundocomar?

A. Bollakey Dofs.

Q. Do you know who were the other witnesses?

A. Matheb Roy, a kittree, and Sielabut the vakeel of Bollakey Dofs: those three.

Q. Do you recollect for what sum of money it was?

A. I remember it was for 48,021 ficca rupees.

CROSS EXAMINATION.

Q. Whose servant was you?

A. I am not a servant; I used, a long time ago, to trade in salt: I am no one's servant: I go back and forwards to Maha Rajah: my uncle has a house at Siedabad, where we have carried on business for a long space of time: my uncle used frequently to go to Maha Rajah's: when I was little I used to go with him: I have now been ten or fifteen years in Calcutta, and always with the Maha Rajah.

Q. How came you to see the bond executed?

A. Mahomed Commaul, Joydeb Chowbee, Choytou Naut, and myself were sitting in the house of Lucky Caunto Seat, in the Borrabonnah with Maha Rajah; Bollakey Dofs likewise came in, and sat down by us: Maha Raja Nundocomar lived in that house: having sat down, Maha Rajah Nundocomar said to Bollakey Dofs, You have for a long time had my money; it shall remain no longer with you; now pay it me: then Bollakey Dofs answered Nundocomar, My money, which was in the house of Muxadavad and Decca, has been plundered; I have not now the power of paying the money; a great sum of money is due to me from the English Company: having received that money, I will pay you first, and after that will pay others: I will now give you a bond for that money, do you take it from me. He then pressed Maha Rajah very much, with his hands joined, to take the bond. Maha Rajah

consented, and said, Very well, write a bond: he then said, Give me Mahomed Commaul with me, and I having gone to my own house, will write out a bond, seal it, and get proper witnesses to it and send it back by Mahomed Commaul: Maha Rajah Nundocomar said, Very well. Bollakey Dofs, taking Mahomed Commaul with him, obtained dismissal: Maha Rajah then got up, and we three likewise took our leaves: when we went into an outer house, Seat Bollakey Dofs said to me, Do you likewise come along with me, and I having gotten a bond written out and sealed, you will see it done: he having said this, I agreed; he having got into his palankeen went away, we four people followed him, he having gone with his palankeen, half a gurry after we followed him, we likewise arrived at his house. We saw Bollakey Dofs sitting, and along with him Matheb Roy, Sillabut Lallo Doman Sing, and a Mohurir: We sat down. Bollakey Dofs said to his writer, Write out a bond for 48,021 ficca rupees, in the name of Maha Rajah Nundocomar: he wrote out a bond in Persian, and the Mohurir having read it, Bollakey Dofs heard it, and took it into his hands, and having taken it in his hands, he took off a ring, which was on his finger, and when he had taken it off, he dipped it in a ficca dewat (ink stand) which was lying before him, and affixed the seal to the paper which was lying before him, and having sealed it, he said to Mahomed Commaul, Do you likewise be a witness to it, and gave the bond into his hands. He having likewise taken his seal off his finger, affixed it to the bond as a witness. Bollakey Dofs then said to Matheb Roy, Baboo Matheb Roy, Do you likewise witness it; Matheb Roy likewise, having taken his seal from his finger, affixed it, and was a witness. He then said to Seillabut, his vakeel, Do you likewise be a witness to this bond; who having taken the ink stand in his hand, wrote his name in Persian, as a witness: Bollakey Dofs then took the bond in his hand: then Bollakey Dofs put the bond into the hands of Mahomed Commaul, and said to Seillabut, Do you likewise accompany Mahomed Commaul, and deliv

deliver this bond to Maha Rajah Nundocomar. Mahomed Commaul and Seillabut having taken the bond, went to the house of Maha Rajah Nundocomar: I likewise went to my own house. Of the bond being sealed and executed, I know this.

Q. When Bollakey Dofs came to Maha Rajah Nundocomar, had he any servants?

A. He had Peons and Kidmutgars; I could not tell them: one Kidmutgar went up for his shoes.

Q. How many?

A. I cannot tell.

Q. Was any on horseback?

A. No.

Q. Was there five or six?

A. I cannot tell their number.

Q. What did Maha Rajah Nundocomar say, when first he came to his house?

A. He said what I have given in evidence.

Q. What did he first say?

A. It has been already written.

[Question repeated.]

A. I have related every thing, from the time he came, to the end.

[Question again repeated.]

A. If I begin at the beginning, I can tell, I cannot begin in the middle.

Court. Let him begin again.

A. Joydeb Chowbee, Choytou Naut, Mahomed Commaul, and myself were sitting in the house of Luckyaunt Seat, with Maha Rajah, Seat Bollakey Dofs likewise came, he likewise sat down by Maha Rajah: Maha Rajah said to Bollakey Dofs, There has been money of mine a long time with you; it shall not remain longer; you now pay it me: Bollakey Dofs answered, My house at Muxadavad and Decca have been plundered; I have not now the power of paying it, there is a great sum of money due to me by the English company; when I have received that money, I will pay you first, and will after pay others: I will now write out a bond for you, do you take it; and he pressed him very much to take it. Maha Rajah consented: Bollakey Dofs then said to Maha Rajah, Give me Mahomed Commaul along with me, and having

gone to my own house, and having written out a bond, and having got it sealed and properly witnessed, I will send it to you by Mahomed Commaul. Having said this, he obtained dismissal.

Question to Mr. Elliot. Does he repeat in the same words?

A. The paragraph is repeated in the same words.

Maha Rajah likewise got up; and we likewise too took leave. Having gone into an out-house, Bollakey Dofs said to me, Do you likewise come along with me to my house: he having got into his palankeen, he went before us. We four men, Mahomed Commaul, Joydeb Chowbee, Choyton Naut, and myself, went half a gurry afterwards.

Witness. I cannot tell the same words.

Court. You need not tell the same words: tell only the substance. We had rather you repeat it in other words.

Witness. We arrived there. Bollakey Dofs was before sitting there, and Matheb Roy, Seillabut, Lalloo Doman Sing, and a Mohurir were there. We four people, likewise sat down: Seat Bollakey Dofs said to his Mohurir, Write out a bond to Maha Rajah Nundocomar for 48,021 rupees. Having written out a Persian bond, and read it to him, he gave it into the hands of Bollakey Dofs: he having taken off a ring from his finger, dipt it into the sicca dewat, which was before him, and fixt it to the bond; and he put it into the hand of Mahomed Commaul; and said, Do you likewise be a witness to it. Then Mahomed Commaul, having likewise taken off his seal from his finger, dipt it in the sicca dewat; and affixed it on the bond. Then Bollakey Dofs said to Baboo Matheb Roy, Be you likewise a witness to this: he likewise having affixed his seal to it, was a witness. He likewise then said to his Vakeel Seillabut, Do you likewise be a witness: he likewise having taken the ink-stand into his hand, wrote his name in Persian; and became likewise a witness. Seillabut then put the bond into the hands of Bollakey Dofs. Bollakey Dofs gave the

the bond into the hands of Mahomed Commaul; and said to Seillabut, Do you go along with Mahomed Commaul, and give this bond to Maha Rajah Nundocomar. Seillabut and Mahomed Commaul having taken the bond, went away; and I likewise went to my own house. This is what I know about witnessing it.

Q. How long is it since you was acquainted with Mahomed Commaul?

A. About a month or two before this bond being executed. He used to go backwards and forwards to the Maha Rajah Nundocomar. I likewise went backwards and forwards.

Q. Was he the servant of Maha Rajah Nundocomar?

A. He was not servant of Maha Rajah Nundocomar; he had been the servant of Maha Rajah's father, and went backwards and forwards at Maha Rajah's. He remained sometimes two, three, or four months afterwards here, and went to Muxadabad.

Q. When did he come back?

A. About four or five years after.

Mr. Elliot. I bid him not repeat so often; he says he repeats that he may be sure.

Q. Did he stay at Muxadabad four or five years?

A. He came back four or five years after signing the bond; and then I saw him at Maha Rajah's.

Q. Was he a servant of Maha Rajah's?

A. I know when a man comes backwards and forwards; but I do not know if he is a servant.

Q. Where did he live?

A. When he returned from Muxadabad, Maha Rajah Nundocomar gave him a place, near his own house to live in.

Q. Was he long ill before his death?

A. He was well for three or four months: after that he was sick; and then he died.

Q. What was the situation of the place he had given him?

A. It was within the four walls of Maha Rajah's house, and belonged to the house.

Q. What sort of a place was it?

A. It is here in Calcutta. I can shew it if you will go.

Q. In the mean time, do you describe it.

A. It is raised upon a terrace, [chund]. There is a Chubbuckin under it; there were three openings: one to the southward; one to the westward, which Maha Rajah Nundocomar ordered to be filled up with mats; and left the other opening for the door.

Q. Was the third opening to the north, or to the east?

A. To the east.

Q. How large was the place?

A. I cannot tell how many cubits it is. That place yet remains.

Q. Who lives in that place now?

A. Maha Rajah Nundocomar's Peons, Kidmutgars, &c. It is not appointed for the use of any particular persons, as in Mahomed Commaul's time.

Q. Are the Kidmutgars, &c. of the Maha Rajah's, Mussulmen or Hindoos?

A. They are both one and t'other.

Q. Do any of them sleep there?

A. How can I tell whether they sleep there? I see them sit in the day-time.

Q. How came you then to know, that Mahomed Commaul slept there, and the orders given about it?

A. I saw Maha Rajah with my own eyes, order the house to be fitted out for him; and he lived there.

Q. Did you use to go backwards and forwards, at that time and place?

A. As I went to Maha Rajah's Durbar, I used to pass by the place, and made my salam to him.

Q. Did you see him when he was sick?

A. I did: I saw that physie from Maha Rajah was sent him.

Q. What year did he die?

A. I do not know the month or year; it was in the rainy season.

Q. Who was at his burial?

A. I carried him out to be buried: other people likewise went out.

Q. Who else was there?

A. Many people, Shah Mahomed, Chawn abb

abb Chubdar, Rund Mutt, Cawn Jemut, Jummiatt Cawn, Ika Cawn, Cawn Mahomed, and five or six Coolies; nobody else.

Q. Was these all who were there?

A. Except the Coolies, there was no one else. I speak with certainty.

Q. Did you ever attend the burial of anybody else?

A. It is a custom among us Mussulmen to go out with the bodies of any of our friends and relations, when they die. Since I came to the age of maturity, I believe I have attended 200 or 300 of them.

Court. Tell the names of some.

A. I went out with Shau Mahomed, Cawn abb Chubdan, Bullab Cawn. Need I mention any more?

Q. Who were the other persons that attended?

A. Mussulmen of the Maha Rajah's family.

Q. How came you to remember their names so exactly?

A. The morning after the night of his death, Maha Rajah was informed of it; the burial was made, and I remember these people.

[Being pressed with this question over and over again, Mr. Elliot said, I cannot get him to give any reason.]

Q. Did you see any of your acquaintance that morning?

A. No; it rained very hard.

Q. How long have you been acquainted with Choyton Naut?

A. Ten or eleven years.

Q. How long have you been acquainted with Joydeb Chowbee?

A. As long as I know Choyton Naut.

Q. Were you first acquainted with them both in the same place?

A. I was: they used to come backwards and forwards to Maha Rajah's.

Q. Did you see Joydeb Chowbee the day of the funeral?

A. They both used to come to Maha Rajah's Durbar: I do not recollect, with respect to that day in particular.

Q. How long have you been attending at the Maha Rajah's?

A. I have before said, I came to Calcutta twelve or thirteen years ago.

Q. Did Joydeb Chowbee and Choyton Naut come to Maha Rajah's together?

A. I did not say that: I said, when I came to Maha Rajah I saw them.

Q. What conversation passed at the house of Bollakey Dofs Seat?

A. I have kept no account of it. He spoke what I said to the Mohurir.

Q. Had that Mohurir any papers or accounts with him?

A. No: he was sitting without any.

Q. Do you understand Persian?

A. I do understand it little, but do not write it well.

Q. Was you asked to witness the bond?

A. He desired nobody, but who are already named.

Q. When the writer read the bond to Bollakey Dofs, what did he Bollakey Dofs say?

A. Nothing, except well, or some such word.

Q. Did any body present ask Bollakey Dofs the amount of the bond?

A. No one asked, as I recollect. I think I speak with certainty. I do not remember it.

Q. Did Bollakey Dofs Seat mention the particular sum the Mohurir was to make the bond for?

A. He did.

Q. Do you know Bollakey Dofs Seat? Was you well acquainted with him?

A. I knew him very well.

Q. Did Bollakey Dofs give that order in Persian?

A. No, in Moors.

Court. Repeat that order. [He repeats the sum in Persian.]

Mr. Elliot. I examine him in Moors, he always repeats the words of the sum in Persian, which is contrary to the usual manner of speaking; for those who speak in Persian, when they come to sums, almost always mention

tion them in Moors. He now repeats it in Moors.

Q. How came you always to mention that sum in Persian, which Bollakey Dofs gave orders for in Moors?

A. I spoke it for your information. [Addressing himself to Mr. Elliot.]

Mr. Elliot. If you did that for my information, why not every part of your evidence in Persian, as I am to interpret the whole to the Court?

A. I happened to say it: I did not say it for your information.

Q. How came you to do so three times over?

A. For your information. [To Mr. Elliot.]

Court. Was it, or was it not, for the information of the interpreter?

A. There was no particular reason.

Court. How came you to be so particular in your account of the sum?

A. I remember it from the long dispute there has been about the bond.

Q. When did you first hear of the dispute about the bond?

A. I do not mean in particular the bond. I know it; because Mohun Persaud and Gungabissen proceeded against Maha Rajah, in the Court of Cutcherry, in the time of Mr. Palk, and also in Mr. Rous's Cutcherry.

Q. For what sum was that complaint?

A. They complained for 1,29,000 rupees, on account of a deposit.

Q. Why do you give that as a reason for knowing the bond was for 48,021 rupees?

A. I never gave that reason for remembering it. I know it from the mouth of Bollakey Dofs Seat.

Court. [Question repeated.]

A. I never said so.

[Mr. Elliot and Mr. Jackson both depose, that he did give that reason. Mr. Weston, (a Gentleman of the Jury), also says, that he did so.]

[Question again repeated.]

A. I never said that Mohun Persaud and

Gungabissen sued Maha Rajah Nundocomar for 48,021 rupees, in the Cutcherry.

Q. How long ago was this suit in the Cutcherry?

A. About three years ago.

Q. In which did it commence? Whose Court?

A. Mr. Palk's.

Q. Do you know any dispute in the Mayor's Court, about this matter?

A. I do not know of any.

Q. Did you give evidence in that cause?

A. In the time of Mr. Rous's I did give evidence.

Q. In your evidence, did you mention the sum of 48,021 rupees?

A. No mention was made of it.

Q. Have you ever, from the time of executing the bond to this time, mentioned the sum of that bond to any body?

A. Nobody ever mentioned that sum to me, nor did I mention it.

Q. What, never since Maha Rajah has been confined? Not to any body?

A. I do not remember telling to any body.

Q. Did you never tell the sum to Mr. Jarret, nor any body concerned for Maha Rajah?

A. When Mr. Jarret asked me about this business, I told him of it; I gave account of it, and Mr. Jarret wrote it down.

Q. Did you never mention it to this Gentleman? [Pointing to Mr. Farrer.]

A. Never. I never did? [Mr. Farrer confirms what he said.] When Maha Rajah was put into confinement, he desired me to go to Mr. Jarret, and give him what information I could. Nobody else asked me about it.

Q. Did you tell Maha Rajah himself?

A. I did not.

Q. How came you to mention so exactly the sum?

A. I heard it from the mouth of Seat Bollakey Dofs.

Q. Did Bollakey Dofs Seat mention it in Persian?

A. No: in Hindostan.

Q. Have you never since heard it from any other person?

A. When Maha Rajah was first thrown into confinement, he told me, It was on account of a forged bond, which I had been present at the execution of. I have not heard of it from the time I heard it of Bollakey Dofs till now. I told him that the complaint was an unjust one, as I was present at the execution of the bond; and that the Gentlemen of the Audawlet would do him justice.

Q. Was you at the execution of any other bond?

A. No: I had not much business with Bollakey Dofs Seat. I never was at the execution of any other.

Q. Or of any other person's bond?

A. Yes: many.

Q. Do you mean to Maha Rajah Nundocomar?

A. No: I have seen bonds of his; but not seen them executed.

Q. Have you seen any other bond executed?

A. I have seen several; but do not remember the persons.

Court. Name the name of any person you last saw execute a bond?

A. I have seen persons sign and seal bonds; but do not recollect who or when.

Q. Have you, since this bond was executed? Say to whom; and who were witnesses?

A. Yes: I certainly have; but how should I know who the witnesses were, or whom in favour of?

Q. If you are so particular in your recollection of this bond, and its sum, how comes it that you cannot remember any thing concerning the others you have been present at?

A. In my presence a great many bonds have been signed; and witnesses have affixed their seals to them since that of Bollakey Dofs's.

Q. Name the names of those witnesses.

A. I did not mean I saw bonds executed:

I spoke of the custom of the country. I thought you asked me as to the custom of the country, from my having seen bonds executed.

Q. Have you, or have you not, been present at the execution of any bond, since that of Bollakey Dofs's? If you do not give a plain answer to a plain question, you will be committed.

A. You are my masters: you may punish me as you please.

[Mr. Elliot being called upon, declares: his words were, "in my presence, bonds have been frequently signed, and witnesses have affixed their seals to them, since the bond which we have been speaking of." He now says, that he answered without understanding what was said to him; and that he thought I asked him as to the custom of the country; but this pretence cannot be true, because he first gave me a relation of the custom with respect to sealing bonds. I stopped him, and told him, I did not ask him to the custom; but whether before his face any bond had been sealed and signed? He asked me, whether I meant to know, if he had seen any sealed before his face: on my answering Yes, he gave the answer above rehearsed.]

Court. Have you seen any other bonds executed since this of Bollakey Dofs? Now you understand the question: answer it.

A. I do not recollect to have been present at the executing of any bond. I know the custom of executing bonds.

[Question repeated.]

A. I thought you asked what the custom of the country was, as to executing bonds from my own knowledge, and having seen them.

Q. Do you know the custom? What is it?

A. I know the custom of executing bonds: one puts a seal here, another there. I have been present.

Q. How should you know the custom of the country, if you have never seen bonds executed?

Mr. Elliot. He won't give an answer.

L

[Question

[Question again repeated.]

A. I have been in trade for many years, and have seen many bonds signed and executed to myself.

Q. When was the last?

A. I am speaking of 15 or 20 years ago; or when I was 15 or 20 years of age.

Q. Have you never seen any bonds executed, but the bond in question, and those to yourself?

A. I do not remember; I cannot remember; I cannot pretend to say.

Q. You say that you have seen bonds executed; but do not remember to whom, and in whose favour. How came you not to remember those to yourself?

[No precise answer could be obtained.]

Court. Does he appear intimidated?

Mr. Elliot and Mr. Jackson. He does not appear the least intimidated.

Jury. He certainly is not intimidated. He understands the question.

Mr. Elliot. He said that he had seen bonds executed since this; but could not remember the persons who were present at the execution. I asked him if he knew any of the persons who were present at the execution, he having said that he had seen many since.

Q. How came you to recollect the precise sum of Bollakey Dofs's bond?

A. In my presence Bollakey Dofs ordered the Mohurir to make out a bond for that amount.

Q. How came you to remember the exact sum of a bond executed so long ago?

A. What is in my remembrance, I remember. What I have forgot, I have forgot.

Q. Why don't you then remember the sums in others?

A. This one I remember. Why don't you ask me why I have not forgot it?

Q. Why have you not forgot it?

A. If I forgot a thing, I must be content with it. This I remember perfectly well: what answer shall I give to, Why I have not forgot?

Q. What reason have you for remembering it?

A. I remember it, because I remember it. What I have forgot, I forgot.

Q. Have you, or have you not, any reason for remembering it?

A. I remember: therefore I have told you. I have no reason.

Q. Do you recollect any sum of money you ever saw a bond given for, since that time?

A. I remember one Mr. Morrison taking 15,000 rupees from Maha Rajah Nundocomar, and giving his bond for it.

Q. Was you a witness to it?

A. No.

Q. When was it?

A. I only remember the sum: I do not remember the date.

Q. Was it since this bond?

A. Yes.

Q. How long ago was it?

A. Something above six years.

Q. Was you present at the execution of Mr. Morrison's bond?

A. I saw him sign: Maha Rajah sent me for it.

Q. Who were the witnesses?

A. He signed it before none. I do not know who were the witnesses.

Q. Was it in English?

A. Yes, it was early in the morning; nobody was there: he put a seal of wax, and signed it: he told me he was making out a bond to Maha Rajah, and said, Do you take it.

Q. In what language did you tell it him?

A. I told him in Persian.

Q. Who was this Mr. Morrison?

A. He was Chootan Saheb (second in rank) at Muxadavad.

Q. Where was the bond given?

A. At Calcutta.

Jury. Might the name of the person you call Morrison be Maddison?

A. I know not: they called him Morrison.

Q. What sort of a man was he?

A. A little short man, and wore spectacles.

Jury. From the similarity of the sounds, and the description of the person, it is evident the witness must mean Mr. Maddison.

Q.

Q. Did you ever see any other bond executed?

A. I never did see any other bond executed. I have no remembrance: what shall I tell you?

Q. Did you know Bollakey Dofs very well?

A. Yes.

Q. Did Bollakey Dofs wear ear rings in his ears?

A. I saw no ear rings in his ears: whether he wore them or not I cannot tell; but I did not see them.

Q. Do you know his seal?

A. I have seen three or four letters of Bollakey Dofs, that came to Maha Rajah Nundocomar's, with seals; and by comparing them with the bond, I shall be able to tell.

Q. How came you to see these letters?

A. When Bollakey Dofs wrote a letter to Maha Rajah Nundocomar from Chinsura, I was there, and saw the seal, and one more seal of a letter of Bollakey Dofs, which Maha Rajah sent to Mr. Jarret.

Q. How came you to see that letter that was sent to Mr. Jarret?

A. Joydeb Chowbee carried it from Maha Rajah's to Mr. Jarret: I was then at Mr. Jarret's house, and saw it in the hands of Joydeb Chowbee. I saw it in his hands, and asked, what letter was that? he said, Bollakey Dofs's. I looked at the seal, and saw it was Bollakey Dofs's.

Q. How came you to remember the seal?

A. I had in my mind a letter Bollakey Dofs wrote from Chinsura: I remember that, and seeing that in Joydeb Chowbee's hand, I saw they were both alike. I saw him put it to that bond: I have seen him put it to several other papers, at a distance.

Q. What do you mean by a distance, and what distance?

A. It was at the distance of 5 or 6 cubits, (or hauts)

Q. What paper have you seen Bollakey Dofs put his seal to, besides that bond?

A. I have seen it only upon these two letters and that bond.

Q. What are the papers which you have seen him put his seal to at the distance of 5 or 6 cubits?

A. I have seen his seal only three times:

once to the bond; I was then at the distance of 5 or 6 cubits (or hauts:) the second time I saw it, was that on the letter wrote from Chinsura: the other was that I saw at Mr. Jarret's, that Joydeb Chowbee carried.

Q. How many other papers have you, with your own eyes, seen him put his seal to?

A. I never saw Bollakey Dofs, with my own eyes, put his seal to any other paper than the bond: the appearance of the seal and that of the two letters agree.

Q. Did you take the bond into your hand to examine the seal?

A. I saw when Bollakey Dofs gave it into the hands of Mahomed Commaul; when he gave it into the hands of Matheb Roy, and told him to witness it. I likewise saw it when he gave it into Seillabut's hands. I likewise saw it when I did not take the bond into my hands.

Q. What distance was you from it when it was put into the hands of Mahomed Commaul?

A. It may be at the distance of three or four hauts or cubits.

Q. What distance was you when it was put into the hands of Matheb Roy?

A. I was rather nearer to him than to Mahomed Commaul.

Q. At what distance were you when it was put into the hands of Seillabut?

A. I was near Seillabut: I cannot be exact as to the distance.

Q. Which was you nearer to, Matheb Roy or Seillabut?

A. Matheb Roy was near.

Court. Tell us the position in which they were.

A. Matheb Roy, Seillabut, Doman Sing, were all with their faces to the southward; Seillabut in the middle, Matheb Roy on the right, Doman Sing on the left: we four, Mahomed Commaul, Joydeb Chowbee, Choyron Naut, and I, had our faces to the north: Bollakey Dofs with his face to the west, and back to the east.

Q. Who was on the right hand of Bollakey Dofs?

A. Doman Sing was on the right hand, and Mahomed Commaul on the left.

Q. What was the month?

L 2

Q.

A. It was the rainy season: I do not remember the month.

Q. If you remember so particularly the places of all these persons, how came you not to remember the month in which it was executed?

A. I do not remember the month: I had no reason to remember that: I am positive to the situation of the persons: they certainly sat in that position.

Jury. If you was to see the bond at the distance of three or four cubits, would you know it?

A. I would not possibly know it, for this reason: I was not a witness to the bond: if I was to put my own seal, or write my own name, and if I had read the bond, on seeing it again I should know it.

Q. Do you mean to say, that if this bond was put into your hands, you should immediately know it to be that bond?

A. By the appearance of the seal, and the signature of the witnesses, I should be able to guess; but would not positively say, that was the bond.

Q. Did you ever put your name as a witness to a bond?

A. I very well remember I never put my name or seal, as a witness, to any bond since the time of the above: whether I did before or not, I cannot tell.

Court. Take a pen, and write the name of the Company.

[He writes a very bad hand, not like that of the bond.]

Q. You say you know Mahomed Commaul's seal: would you know it again, if you was to see it?

A. I have not sworn that I should know Mahomed Commaul's seal.

Q. Do you remember any other circumstances of the bond and the sum?

A. I do not: what Bollakey Dofs said, I remember.

Q. Was it a simple bond for the payment of money?

A. What I heard from Bollakey Dofs I know: I know nothing else that the bond was about: it might be as well one thing as another.

Q. Do you know any particular circumstance being mentioned in the bond, when you heard it read?

A. I did not say that I heard it read: his writer went close to him, and read it gently to him: I was at a distance, and did not hear it.

Q. Did Seillabut read it?

A. He might have read it to himself: I did not hear him: he did not read it aloud.

Q. Did any body write any thing with a pen on the bond, except Seillabut?

A. I saw with my own eyes Bollakey Dofs, Mahomed Commaul, and Matheb Roy, put their seals; and Sillabut wrote his name.

Q. Did any other person make use of a pen?

A. No.

Q. Are you sure?

A. I heard it with my ears, and saw it with my eyes.

Q. Are you very sure?

A. Very sure. I am certain.

Q. After Sillabut signed it, what was done with it immediately?

A. Seilabut gave it to Bollakey Dofs: Bollakey Dofs gave it to Mahomed Commaul, &c. as before.

Q. You say, the writer read the bond low: was it so low that you could not hear what was said?

A. When the Mohurir had wrote the bond, and carried it to Bollakey Dofs, he gave to Bollakey Dofs, to hear it in the customary way.

Q. At what time of the day was it, when the first conversation passed at the Maha Rajah's?

A. About noon.

Q. Was the bond read so low that you could not hear it?

A. I could not hear it well.

Q. Did not you hear one word?

A. If I did not hear, how can I say I did hear?

Q. Did you hear nothing of the contents?

A. I heard nothing of the contents.

Q. What, not a word?

A. What else shall I say? I did not hear one word.

Q. Was you deaf, or had you any disease in your ear?

A.

A. I was neither deaf, nor had I any disease in my ears.

Q. How then came you not to hear a word?

A. I did not pay so strict attention, nor did he read it in so high a voice, that I should hear it.

Q. Did any body else hear it but Bollakey Dofs?

A. I cannot tell.

Jury. Did you know the Mohurir?

A. I saw his face then: he was no friend of mine.

Q. How came you to go to Bollakey Dofs's house then?

A. I went that time, and now and then went at other times.

Q. Did you ever see the Mohurir before or since?

A. Neither before nor since have I seen him: I only saw him that time.

JUNE 14th, 1775.

KISSEN JUAN DOSS.

Q. Do you know Bollakey Dofs?

A. I was his chief gomastah: I used to superintend his other gomastahs, and sometimes write myself.

Q. Do you know of all the accounts that have ever passed between Bollakey Dofs and Maha Rajah Nundocomar?

A. I know all the accounts that were entered in the books at Calcutta. I likewise am acquainted with the accounts of Pudmohun Dofs.

Q. Do you know of any accounts respecting jewels?

A. I do not know any thing of jewels between Bollakey Dofs and Maha Rajah Nundocomar.

Q. Did you see, in the hands of Bollakey Dofs, any papers concerning his accounts with Maha Rajah Nundocomar?

A. When I drew up the accounts of the Roze Nama, there was at that time no account of any jewels of the Maha Rajah's. I asked Pudmohun Dofs, "Where is the account of the jewels for which we are now paying a bond? make my mind easy." Pudmohun Dofs then said to me, "When Maha Rajah Nundocomar gave the jewels to Bollakey Dofs, you was not his servant."

Court. This is no evidence.

Q. Did Pudmohun Dofs then shew you any papers?

A. He did shew me a canatama, wrote by Pudmohun Dofs, and signed by Bollakey Dofs.

Q. Are you sure Bollakey Dofs's hand was signed to it?

A. I saw with my own eyes, that the handwriting of Bollakey Dofs was to it.

Q. Was his name signed to it?

A. These are the words written in the handwriting of Bollakey Dofs: "It is written by Bollakey Dofs: written above by Pudmohun Dofs, the space of six months."

Q. Have you ever seen that paper in any body's hands?

A. After having written from that paper myself, I have not seen it in the hands of any body.

Q. How long ago is it since you saw it?

A. About four years: I speak from guess.

Q. How long has Pudmohun Dofs been dead?

A. Three years and seven months.

Q. Are there any entries made of this transaction in the books of Bollakey Dofs, taken from the contents of that paper?

A. Yes; there was an account for 69,730 rupees, 7, on account of a bond, the date of which is entered in these books.

Q. In the corra nama is there any mention of a bond, or only of jewels?

A. I will inform you of what I know. It is first written, that a sum of money, the amount of which I do not recollect, was to be paid to the Governor and Mr. Pearson; 3,500 rupees on account of teeps; mention of a bond on account of jewels is made, in which it is specified that no interest is to be paid.

Court. Repeat what you before said about interest.

A. To which I can pay no interest, and therefore pay it without (sewawy.)

Mr. Jackson. The meaning of *sewawy* is, that at that time he could not pay interest: he was to pay four annas.

Mr. Weston, one of the Jury. By *sewawy* he means, that as he could pay no interest, he was to pay an additional quarter rupee.

Mr.

Foreman. I understand the word *sewary* as used, to be, "I can pay no interest now, but will pay a fourth more, as a premium for lending the money, as it would be a long space of time from the date of the bond before it would be paid."

Mr. Elliot says, That when a bond is given, and it is expected to be so long a time before it is paid as to double the sum, it is settled *sewary*, to pay a quarter more as a premium, instead of interest.

Q. Did you, from the date of that paper, make any entry in the books?

A. Yes.

[Books produced, and the following entry made.]

In the private account of Bollakey Dofs, the sum of 129,620:7 is the jamma side of the account of Maha Rajah Nundocomar Gee: the particulars of which are on the credit side of the account given on inspecting a dust avaisa: The receipt is taken, and it is written on the credit, "Maha Rajah Nundocomar's account with you."

Q. Was the entry made after the death of Bollakey Dofs?

A. It was.

Q. How came it to be entered in the accounts "with you."

[Meaning Bollakey Dofs after his death.]

A. I had seen that Corranama, and Pudmohun Dofs having told me the accounts were settled in that manner, I made it after his death.

Q. What was the date of the entry?

A. There is no date to that particular entry.

Q. What is the date of the transaction before or after it?

A. The thirtieth of Choit, 1827, is the date of the one before the account: the last entry is taken from the date of a note of hand: there is no date after: it is not the date of the transaction; it is only the date of the note.

Q. What is the date next preceding the note?

A. That which I have mentioned is the date next preceding.

Q. Were there any accounts after the note?

A. Many.

Q. As the account was entered after the death of Bollakey Dofs, how came you to say "with you?"

A. They are the books of Bollakey Dofs; it is customary to address yourself to the person in whose name the book stands.

Q. What! after their death?

A. Yes.

Q. Is there any other account entered in the book after the death of Bollakey Dofs, where it is said "an account with you?"

[The books were inspected, and it appeared there was.]

These are the particulars on the credit side.

The jamma of Maha Rajah, 69,630:7, the bond of which Bollakey Dofs wrote the particulars, 48,021 rupees, a bond bearing date 7th August, 1765, in English words, but Nagree characters: the date of the bond is the 7th Baudon, 1172, Bengal style; 1205:4 the account of interest *sewary* has been settled: which sums cast up make 60,026:14—9,604:3:16 per cent. on account of *ficca* rupees added to that, makes 69,630:7; there is an end of the account.

Q. Was this entry made before or after the bond was paid?

A. It was made long after: I did not know when the bond was paid: when the papers were called for by the Audawlet, I entered it.

Q. Did you make the entry from the inspection of the dustavaise immediately after, or from an account in the adawlut?

A. I saw it the same day I saw the dustavaise.

Q. What did you mean by the expression "for which we are now paying the bond?"

A. I only meant "for which a bond has been paid."

Mr. Elliot says one word makes the difference; the difference is only as between *dixit* and *dicit*.

Foreman. The entry ought to be made "when the bond was paid."

Q. Why, instead of describing the bond, by "the bond of which Bollakey Dofs had wrote the particulars," you did not describe it

it by the name of the Persian bond, which having been paid, must be in their possession?

A. They did not shew me the bond: I was dependant upon them: they did not shew me the original bond, but only the corra nama: I obeyed their orders.

Q. Who do you mean by they?

A. Mohun Persaud, Pudmohun Dofs, and Gungabissen.

Q. Were they all there?

A. No, Mohun Persaud was not present: I went to ask him: he said, Pudmohun Dofs is the head man, go to him.

Q. Do you know if Mohun Persaud and Gungabissen were ever acquainted with this transaction at the time of the entry?

A. I cannot say they knew of it at the time of the entry.

Q. Did they ever after?

A. They knew afterwards.

Q. How soon afterwards?

A. How can I tell when they knew of it first? they must have known it by the paper in the dewanny adawlet.

Q. Do you know whether Gungabissen, or Mohun Persaud, ever saw this entry in the accounts?

A. I do not know: I can tell I wrote it; that is a fact to which I can speak; but I cannot say whether they read it or no.

Q. Did you ever tell them, or either of them, about the entry?

A. I did inform them of it; Pudmohun Dofs was privy to all accounts and papers of the deceased: Gungabissen and Mohun persaud were not acquainted with the accounts.

Q. Do you mean you said both, or either, and whom?

A. Why should not I have told them? they said the papers were wanted in adawlet, and told me to draw them up.

Q. What did you say in particular?

A. I went and informed them I had entered the accounts as they desired, and that they were ready for the adawlet. When Bol-lakey Dofs died, Mohun Persaud and Pudmohun Dofs transacted all the business: Gungabissen is in reality master: Mohun Persaud and Pudmohun Dofs at first agreed on the

accounts that were to be sent to the Adawlet. Afterwards Mohun Persaud would not agree.

Pudmohun signed it alone, and it was sent into the Adawlet.

Q. Do you know of their signing more than one account?

A. Yesterday, when I looked over the papers, I saw a paper signed by them both; therefore there must have been two.

Q. In the account you saw the other day, was there any mention of these accounts?

A. There is no account in that paper of the bond.

Q. What did they say when you told them of the entries?

A. When I first informed Mohun Persaud and Gungabissen of entering these accounts, they said nothing: after that, Mohun Persaud settled the accounts of Gossain, and they jointly gave a promissory note in the account so settled, and paid him the whole but fifteen or sixteen thousand rupees, and told him they would pay him the balance: after Mohun Persaud told Gossain to receive the money from Pudmohun Dofs; the amount of the was about thirty-six or thirty-eight thousand rupees; but afterwards, Pudmohun Dofs said to him, I have not money, but outstanding balances which I have not received, due to the estate, which I shall receive: for the sums which have already been paid to different people, you will demand receipts: If you will stay, I will pay you whatever sum the balance amounts to: Pudmohun Dofs, Mohun Persaud, and Gungabissen separated, and God knows what they said after; Mohun Persaud and Gungabissen complained against Pudmohun Dofs, and then all the papers were brought to the Adawlet: these three people, Gossain, Gungabissen, and Mohun Persaud, joined together in counsel to complain; but only Gossain complained: Gossain's name is Bridjoo Ibishes Gee: I do not say exactly who complained with Adawlet; that will appear by the proceedings.

Q. What distance of time, as near as you can recollect, between making entries in Bol-lakey Dofs's books and the complaint in the Adawlet?

A.

A. I made the entries about four years and a half ago, as nearly as I can remember.

[Mr. Farrer produces an office copy of the executors accounts, delivered in by Pudmohun, filed the first of October, one thousand seven hundred and seventy-four.]

Q. Can you be certain that it is about four years and a half ago?

A. I believe it is, but cannot speak precisely.

Q. Can you speak to half a year?

A. I believe it was four years ago, but will not swear to a paper that has no date to it: there is no date to the entry, I cannot be any ways certain.

Q. Will you swear it was more than three years?

A. If I thought I should be questioned by such gentlemen as you, I would have wrote down what I was to say: I can swear to this, That I first entered this account a little time after the accounts came into the Adawlet: by a little time, I mean two or three months, or any thing under a twelvemonth.

Q. Are there any articles without?

A. Yes I can show you fifty.

Q. Do you know of any objection made by Mohun Perfaud and Gungabissen, at the time of your writing the accounts, to the time they were delivered in?

A. I do not know whether they were displeased or no; I know they were in counsel with Goffein, who afterwards complained; but what their counsel was I do not know.

Q. Was you ever with Bollakey Dofs at the army?

A. I was.

Q. How long ago?

A. About ten years ago.

Q. When you was with him, do you know any thing of his being plundered?

A. I have before said that he was plundered at Buxar of every thing.

Q. Tell as near as you can the particulars of what he lost?

A. A little trunk of private papers, which he never showed to any body: how can I remember what was taken from him? his tents were taken; nothing was left him but his jamma.

Q. Do you know of his having jewels at that time?

A. He was not plundered of any jewels at Buxar: I have heard that at Muxadavad he lost a small quantity of jewels mortgaged to him: I was not there myself.

Q. How long since did you hear it, and from whom?

A. The Gomastah who had absconded from Muxadavad during the troubles, came in to Bollakey Dofs, and informed him of it: I was present when the Gomastah said they were plundered.

Q. What quantity did he say, and whose property?

A. A very small quantity, not above two or three thousand rupees worth. A Shroff at Muxadavad had taken a small quantity of money from Bollakey Dofs, and pledged these jewels.

Q. Do you know of Bollakey Dofs's having been plundered of any jewels at any other time?

A. I heard of no other jewels: I have told you all I know about jewels: I never heard any word of his being plundered of any other jewels.

Q. Do you know of any money being recovered by means of Maha Rajah Nundocomar from the company for any person?

A. Pudmohun Dofs used always to attend at Mr. Verelst's with Maha Rajah Nundocomar: when the Governor was going to Europe, he was at Belvidere: Pudmohun Dofs went with Maha Rajah Nundocomar to wait upon him, and occasioned the Company's bonds to be paid to Gungabissen.

Q. When Maha Rajah Nundocomar's accounts were settled, do you know of the balances having been paid him?

A. I do not know if the balance ever was paid him or not.

Q. Was you present at Belvidere with these persons and Mr. Verelst?

A. I was not: I knew of their going there for the purpose of getting the bonds: I saw them set out, and saw them return.

Court. Give evidence of nothing but what you know of your own knowledge.

A.

A. This I know, that a man was sent to call Gungabissen and Pudmohun Dofs: one went in a palanquin; the other in a carriage: they brought Company's bonds; they told me they were going to Belvidere, that Maha Rajah called them to go along with him.

Q. When they set off, do you know where they were going?

A. They told me they were going there: Maha Rajah sent for them.

Q. Do you know the papers for which they were going?

A. The payment of the money had been daily expected: they went to get the Company's bonds: Pudmohun Dofs and Gungabissen said the Governor was going in a few days, and they certainly should get the Company's bonds. Upon their return, they brought the bonds and carried them to the widow of Bollakey Dofs: a few days after the Governor went away.

Q. Do you know of any of these bonds being paid to Maha Rajah Nundocomar, for a debt due to him by Bollakey Dofs?

A. The widow of Bollakey Dofs, when the bonds were brought, desired that they might be carried to Maha Rajah Nundocomar; because, she said, they had been obtained by his means: I was present: I heard her with my own ears: she said he had been very generous to her, and had shewn great attention: she added, having first settled with him, she would afterwards settle the other accounts of the House. Pudmohun Dofs delivered an account to Gungabissen: Pudmohun Dofs sitting down, ordered me to write out the account of Maha Rajah Nundocomar with the deceased: this was in the presence of the widow: they gave the accounts to the widow of Bollakey Dofs; a person of the name of Durhamchurn, desired her to make herself mistress of the business of those accounts: Durhamchurn told me so.

Court. You must not mention what Durhamchurn told you.

Q. Did you see the widow?

A. I did see her.

Q. Did she seem pleased or displeased with the accounts?

A. I cannot tell whether she was pleased or no.

Q. Did she read the accounts herself?

A. She could not read: Pudmohun Dofs might have explained it to her.

Q. Where is the widow now?

A. She is at Banaris.

Q. How long has she been at Banaris?

A. About a month or two after receiving the Company's bonds, she went there: Pudmohun Dofs accompanied her part of the way.

Q. Is Banaris within the jurisdiction of the Court?

A. No.

[The Counsel for the Prisoner insisted upon giving parole evidence of the contents of the account given to her.—Mr. Justice Lemaitre objected, that such evidence could not be admitted, as no proof was produced, to show that any endeavours were made for the attendance of the widow, or the original papers in her possession; to which objection the Court acceded, but allowed the evidence in favor of the Prisoner.]

Q. Was there any mention in that account of the bond?

A. There was no mention made of this bond in that paper: it was only a gross sum.

Q. What was it an account of?

A. It was not an account, it was only a firid, containing an account of money received from the Company, which was obtained by means of Maha Rajah Nundocomar: there is an account of the different sums due to the creditors, and a balance of 60,000 rupees.

Q. Was it after paying Maha Rajah his demand?

A. After paying all the creditors, that balance remained due.

Q. Do you mean that Maha Rajah's account was included in it?

A. Yes.

Q. Do you know of Bollakey Dofs's being confined in prison?

A. He was confined in the Court of Cutcherry one night and one day: when the summons was issued against him, he went to Chandernagore.

M.

Q.

Q. Do you know any thing of the death of Bollakey Dofs?

A. He arrived the first day of Affen, six or seven years ago; Bollakey Dofs was then very sick: Maha Rajah came to his house to see him about three or four days after his arrival: Bollakey Dofs's wife and daughter, Pudmohun Dofs, and many other people; and I likewise was there. Bollakey Dofs said to Maha Rajah, "Here is my wife and daughter, and Pudmohun Dofs; I recommend them to your care, and I wish you to behave to them as you have behaved to me; Pudmohun Dofs has the management of all my business of whatever nature, I recommend him to you." I then went away to my own house to eat.

Q. When did Bollakey Dofs die?

A. He died on the 11th of Affen.

Q. Did Bollakey Dofs understand Persian?

A. He could neither read nor write it; nor do I know whether he understood it: he went to the Durbar; what he spoke there I know not.

Q. Had Bollakey Dofs a Persian seal?

A. He had one; but I do not know that I should be able to know it if I saw it.

CROSS EXAMINATION.

Q. In what language did Bollakey Dofs generally do his business?

A. Bollakey Dofs never executed any Persian bonds in my presence: he had Persian writers; whatever he did in that way, must have been with them: I can answer to any of his Nagree business.

Q. Was you with Bollakey Dofs in 1172?†

A. When he first arrived here, I went to Banaris to a marriage: I came to Calcutta with Bollakey Dofs: some months after I went to Banaris, I staid there a year, and then came back.

Q. Was you at Calcutta the year in which the bond was executed?

A. I do not know whether I was, or was not; I can find out by the books, when I came, [looked at books] I arrived the 1st of Srawon, 1822. ‡

Q. How long did you stay in Calcutta before you went to Banaris?

A. Four or five months.

Q. Had Bollakey Dofs any Munthy?

A. He had a Munthy called Balkopen; he had also a Vakeel called Seillabut.

Q. Do you know what is become of Balkopen?

A. I understood he died at Jaggernaut.

Q. Where did Seillabut die?

A. In Calcutta.

Q. Where did Bollakey Dofs live in Calcutta?

A. Baboo Hazzreymull gave him his house in the Burra Buzar: he lived there.

Q. Had Bollakey Dofs another house?

A. Bollakey Dofs had a house at Muxadabad; when he was a little man, he was in business with Durramchund, and Kissenchund, the father of Diachund: the business was carried on in that house; it was a great while ago; it was before any thing you have heard; when he became a great man, and had the business of Cossim Ally, he bought a house at Muxadabad, of Durramchund, where he settled the accounts with Kissenchund and Durramchund: the house was not his own before he settled with them.

Q. Was it a house of much business?

A. All the world, at that time, knew that to be a house of Bollakey Dofs's: it was a house of much business.

Q. Do you know whether he kept jewels, or other valuable effects there?

A. I only know of his having some money, and those jewels I mentioned: I know of no others.

Q. Do you know Roy Jaggernaut Jew?

A. I do not.

Q. Where are the accounts of that house?

A. I know nothing of the accounts of that house.

Q. Do you believe that jewels to a very great amount could have been taken from that house without your hearing of it?

A. I must have known of it, in case any jewels to a great amount had been plundered; a thousand people must have known it.

Q.

Q. Did you ever see Bollakey Dofs put a Chop or seal to any bond?

A. If he executed any paper of this kind, his Munshy would have known it.

Q. Have you any paper of Bollakey Dofs's writing?

A. I have not.

Q. Do you know any person in Calcutta that is acquainted with the hand writing of his Munshy?

A. I do not.

Q. How long did he live with him?

A. I can shew how long he lived with him by my books.

Q. Have you any paper of his writing?

A. No.

Q. Do you know any body that has?

A. No. I do not understand Persian, and therefore did not trouble myself with his hand writing.

Q. Do you know whether there are any of that Munshy's writing among the papers?

A. No.

Q. Did you ever know Bollakey Dofs give a Persian bond?

A. When Bollakey Dofs, in the course of business, gave any bonds, he ordered a writer to write them in Nagree, and signed them with his own hand.

Q. Do you remember, in the whole course of his business, his ever giving a Persian bond?

A. I do not remember; if any thing of that sort passed in Persian, it must have been in the Persian office: I never was present when he executed any Persian bond.

Q. If any bond had been given in Persian, must not you have known it, to have entered it in the books?

A. The accounts were regularly kept; but if a bond was given, I do not know whether it was particularly specified; but if the bond came to be paid, it would be paid if regularly executed.

Q. Was ever a Persian bond brought you to be paid?

A. I never saw any Persian bond of Bollakey Dofs's.

Q. How came you not to mention the bond in the account?

A. If my master received any money, and gave a bond, I entered the receipt of the money, but did not enter the bond into the book till it was paid.

Q. Do you believe, that if a bond for so large a sum, had been given by Bollakey Dofs, about eight or nine days after he came from Banaris, you should not have known it?

A. When I first came to Calcutta, I roved about the town to see every thing I could see. I do not know.

Q. How could the accounts be regularly kept, or Bollakey Dofs know what he was worth, if only the money received, and not the bond, was entered?

A. He may, or may not mention the bond, without being irregular.

Q. Suppose a Persian bond is brought to your master to be paid; he orders you to pay it: how would you enter that in the books?

Q. According to the orders of my master: if he simply bid me pay 1000 rupees, I should: if he ordered me to take notice of it, I should: I should search the debit side of my master's account, and see if I could find such an account.

Q. If money is paid in, and a bond given, do you make no memorandum of the bond?

A. I make no memorandum; if money is first paid in, and afterwards asked for; if it is desired to be kept, and the answer is, that then it must be upon interest, and a bond given; I should not enter that last transaction.

Q. Do not Nagree merchants enter bonds in their books?

A. Some do, and some not.

Q. Do Nagree merchants ever give Persian bonds?

A. Nagree merchants of rank may give Persian bonds.

Q. [bond shewn him]. Can you tell which is Bollakey Dofs's seal?

A. I cannot tell which is the seal; I see seals I do not know.

Q. Did you know Bollakey Dofs's seal?

A. I see seals I do not know; it was round silver

silver set in gold; all I know of it is, it was round silver set in gold.

Q. Do you know if it is either of those on the bond?

A. I know it is not one of the square ones; the other it may be.

Q. Where did Bollakey Dofs keep the seal?

A. When Bollakey Dofs was with the Nabob, he wore the seal on his finger: when he came to Calcutta, he kept it in his ink stand.

Q. Have you often seen the seal of Bollakey Dofs on his finger?

A. I have often seen it, but I should not know it.

Q. Did not you frequently see him put it to the outside of letters?

A. When he used to write to the Nabob, and great people, he used to put his seal to the letter: I have seen him.

Q. You hear that there are several witnesses, that have seen the seal of other people two or three times upon their fingers, that are able to swear to the impressions; cannot you recollect, that have seen it so much oftener?

A. They have excellent memories; I am not blessed with such a one.

Q. Was Pudmohun Dofs any natural relation of Bollakey Dofs?

A. No: nor was he of the same cast; but he had a very great liking to him; if he pleased, he might make use of a lack of rupees: Pudmohun Dofs was another Bollakey Dofs.

Q. Was he his adopted son?

A. He called him his son, but he was not his adopted son.

[Sheer Ulla Cawn, and Nuzzer o Dien, two Munshies, being called upon by the Court to compare accurately the original bond with the bond laid in the indictment, having compared the same, are sworn.]

NUZZER O DIEN.

Q. Did you read the original bond, word by word, while Sheer Ulla Cawn read the several parts of the indictment, wherein it is recited?

A. I did.

Q. Is the bond the same in all respects, and in every part as that laid in the indictment?

A. There is some variance.

SHEER ULLA CAWN.

Q. Did you read what was in the record accurately?

A. I did.

Q. Is there any variance?

A. On the record there are two marks under the word "nittan wadisteer:" in the original, there are no such marks.

MR. ELLIOT.

Q. What are those marks?

A. They are merely dots, called nochkts.

Q. Are those dots material?

A. I take it, they are not. Persian papers are wrote sometimes with them, and sometimes without them: if the omission or insertion of those dots was to be deemed a mistake, there would always be at least 20 mistakes in every 10 lines of Persian.

Q. Are they understood to be material?

A. They never are so understood: nor is the Persian language ever wrote with that accuracy.

Q. Don't the insertion of the nochkts, make the distinction of singular and plural in this case?

A. They do.

Q. Is it the custom in Persian to speak of every body, even yourself, in the plural number?

A. I think it is: I must correct myself as to speaking of one's self; I am not so clear as to that.

Q. Does this variance run thro' all the counts?

A. No.

Q. To which count does it apply?

A. To the fifth only.

Q. What is the fifth count for?

A. For forging, with an intent to defraud Bollakey Dofs.

Q. To

Q. To Munby: Is there any other variance?

A. The words, "nocklie tamafook" (i. e. copy of bond) are wrote in Persian, on the top, in every count.

[The Counsel for the prisoner insisted on this being a material variance; but the Court overruled the objection, thinking it to be no more than a repetition in Persian, that it was the tenor of the bond, and not meant to be laid as any part of the bond.]

MR. DRIVER.

Q. Who were the bonds and other papers belonging to Bollakey Dofs's estate delivered to?

A. To Gungabiffen.

MR. SEALY, late Register of Mayor's Court.

Q. Do you know of any application, either to this court or to the Mayor's court, to get the papers out of the Register's hands?

A. There was an application made to the Mayor's court by Mr. Driver for these papers, and rejected.

The Foreman of the Grand Jury, who had been one of the Aldermen, and served the office of Mayor, desired that the records of the Mayor's court might be produced; they were produced accordingly by Mr. M'Veagh, the keeper of the records of this court, and the several extracts, herein after mentioned, were read at his desire, for the purpose of proving, that Gungabiffen had ever been treated in the proceedings of the Mayor's court as a weak man, incapable of transacting his own business.

On the 8th of November, 1769. a motion was made and agreed to, that the will of Bollakey Dofs should be deposited in the court.

13th November, 1770,

A citation issued, for the executors to bring in their accounts, together with the balance of the estate, and to deposit the same in the Company's cash.

1st October, 1771.

IT being suggested to the court, that Pudmohun Dofs had conveyed away several books and papers belonging to the estate of Bollakey

Dofs; the court ordered, that Pudmohun Dofs should deliver, or deposit in the registry of the court, all such books, papers, and vouchers, touching, or any way relating to the accounts of the estate of Bollakey Dofs, deceased; and that the said Pudmohun Dofs shall be permitted to attend his own affairs, under the custody of proper Sheriff's Peons, until the said accounts are carefully examined.

14th January, 1772.

GHOSAINE by his attorney, William Magee, informed the court, that Pudmohun Dofs, one of the executors to the last will and testament of Bollakey Dofs, was lately dead, and that Gungabiffen and his brother Hingoo Lollan, who is at Patna, are the remaining executors; and that Gungabiffen is incapable of taking charge of the affairs of the said Bollakey Dofs. Ordered, that William Magee, register of this court, shall forthwith take charge of the books and papers of the estate of the said Bollakey Dofs, deceased, and settle the same, and report to this court a true settlement thereof.

January 21st, 1773.

ORDERED, that a citation shall issue against Bridjoo Rotoon Dofs, Kebolram Ponda, and Gungaboss, requiring them to be, and appear before the court, on Tuesday next, to shew cause, if they have any, why they should not deliver over unto Mr. William Magee, register of this court, the books, papers of accounts and others, belonging to the estate of Bollakey Dofs, deceased, conformable to the order of this court of the 14th instant.

January the 28th, 1773.

THE Sheriff's officers returned the citation against Bridjoo Rotoon Dofs, Kebolram Ponda and Gonga Bose executed.

WHEREAS Pudmohun Dofs, one of the executors or trustees of Bollakey Dofs, deceased, on the 1st day of October last, was ordered to deposit in the registry of this court, all the books, and papers of accounts belonging to the estate of the said Bollakey Dofs, deceased; in consequence whereof, the said

saïd books and papers were deposited in a room of the house of the saïd Pudmohun Dofs, in order to be perused and examined; which room was secured with two locks; the key of one of which locks was in the possession of Balgovin, and the other in the care of the saïd Pudmohun Dofs's people. Balgovin this day appearing in court upon oath, declared, that one day, when he went up to the saïd room, he found the door had been opened, and that his lock, together with a knot he had tied upon it, had been opened, and on going into the room, he found that the greatest part of the papers were taken away, together with some other things of value. That upon making an exclamation, and threatening to come to court to complain, one Kebolram Ponda, then in the house, requested him to be quiet, and not to go to complain to the court, but go and speak to the widow; and soon after Mohun Persaud came in, when he and the saïd Kebolram Ponda went near the widow, and spoke to her something, which he this deponent could not hear, as he stood at some distance from them; and soon after Mohun Persaud, and the saïd Kebolram Ponda came to the place where he was, and begged him not to expose her, and that she would deliver up all such papers as remained in her possession, and accordingly the saïd Kebolram Ponda went and dug the ground in the compound, and got some books and papers out of it, and delivered the same to this deponent, which he put into a chest, and locked up: and whereas, the saïd Pudmohun Dofs having lately departed this life intestate, and no one having yet petitioned this court for letters of administration of the estate of the saïd Pudmohun Dofs, deceased:

ORDERED, That public notices be affixed, at public places of this town, notifying, That, if some person or persons do not within 14 days, from this day, petition the Court for letters of administration of the saïd Pudmohun Dofs, deceased, the Court shall appoint a proper person to take charge thereof.

July 2d 1772. IT WAS ORDERED,

That the papers of Pudmohun Dofs should be separated from those of Bollakey Dofs.

This order was not carried into execution, till the 27th April, 1773.

25th March, 1774.

Mr. DRIVER, attorney for Gungabissen, read a petition from him, stating, That, by the order of the Court, all the papers belonging to the estate of Bollakey Dofs, were deposited in the Court, among which were twenty-eight bonds, receipts, and vouchers; that he had commenced suits in the Dewannee Adawlet; and wanted the saïd bonds, receipts, and other vouchers, in order to establish the same: and praying, that they may be delivered to him, giving the usual receipt for the same.

The Court deferred the consideration of the saïd petition till next Court day.

ORDERED, That an officer of the saïd Dewannee Adawlet be permitted to attend at the Register's office, to inspect the books, papers, and vouchers aforesaid.

25th Day of January, 1775.

Mr. FARRAR, advocate for Gungabissen, surviving executor of Bollakey Dofs, deceased, moves, that two chests, containing papers, accounts and vouchers, relative to the accounts of the estate of the saïd Bollakey Dofs, deceased; and also twenty-eight bonds and receipts, belonging to the saïd estate, which were deposited in the Registry of the late Mayor's Court, at the instance of William Magee, who was constituted attorney of Bridjoo Seer Goshain, a legatee named in the will of the saïd deceased, may be delivered to the saïd Gungabissen.

ORDERED, That the Register do look into the proceedings of the late Mayor's Court, relative to the above papers, accounts and vouchers; and inform the Court thereof, on Monday next the 30th instant.

Ja-

January 30th, 1775.

Mr. FARRER, advocate for Gungabissen, surviving executor of Bollakey Dofs, deceased, moves, That two chests, containing papers, accounts and vouchers, relative to the accounts of the estate of the said Bollakey Dofs, deceased, and also twenty-eight bonds and receipts belonging to the said estate, which were deposited in the Registry of the late Mayor's Court, as mentioned to this Court, on the twenty-fifth instant, may be delivered to the said Gungabissen.

Mr. Brix, advocate for Seebnaut Dofs and Lauchmon Dofs, administrators of Pudmohun Dofs, deceased, who was one of the executors of the said Bollakey Dofs, deceased, objects thereto.

IT IS ORDERED, That the Register do, in presence, and with the assistance of Huzzermaul Baboo, and Cossenaut Baboo, both of Calcutta, examine the said papers, accounts, and vouchers, bonds and receipts; and separate such as appear to belong to the estate of the said Bollakey Dofs, deceased, from those which appear to belong to the estate of the said Pudmohun Dofs, deceased: and that he do deliver the former unto the said Gungabissen, and the latter unto the said Seebnaut Dofs.

March 24th, 1775.

Mr. FARRER, advocate for Gungabissen, surviving executor of Bollakey Dofs, deceased, moves, That two chests containing papers, accounts and vouchers, relative to the accounts of the estate of the said Bollakey Dofs, deceased; and also 28 bonds and receipts belonging to the said estate, which were deposited in the Registry of the late Mayor's Court, may be delivered to the said Gungabissen; they not having yet been examined, pursuant to the order of this Court, of the thirtieth day of January last, owing to Cossenaut Baboo's not attending.

Mr. Brix, advocate for Seebnaut Dofs and Lauchmon Dofs, administrators of Pudmo-

hun Dofs, deceased, who was one of the executors of the said Bollakey Dofs, deceased, objects thereto.

IT IS PEREMPTORILY ORDERED, That the Register do, in presence, and with the assistance of Huzzermaul Baboo, and the said Cossenaut Baboo, in case they both attend, or if one of them only attends, then in presence, and with the assistance of such one, examine the said papers, accounts, and vouchers, bonds and receipts; and separate such as appear to belong to the estate of the said Bollakey Dofs, deceased, from those which appear to belong to the estate of the said Pudmohun Dofs, deceased; and that he do deliver the former unto the said Gungabissen; and the latter, unto the said Seebnaut Dofs and Lauchmon Dofs, administrators of the said Pudmohun Dofs, deceased, within one month from this day; and in case neither of them, the said Huzzermaul Baboo, and Cossenaut Baboo, do attend, that the Register do examine, and separate them in the best manner he can, and deliver such of them to the said parties respectively, as he shall think right, within the time aforesaid.

Mr. SEALY.

Q. Did you, in consequence of the last order of the Court, examine and separate the papers?

A. I did, after having examined them with and without Cossenaut and Huzzermaul, by the agreement of the parties.

Q. When did you deliver the bonds, and the other papers, relating to Bollakey Dofs's estate, to Gungabissen?

A. About 27th April last.

LAUCHMON Doss.

Q. Did you know Bollakey Dofs?

A. I knew Bollakey Dofs when I was young.

Q. Did you stay with Bollakey Dofs?

A. Yes.

Q. How many years?

A. One year.

Q. Have you ever seen him execute any papers?

A. I have seen him sign and seal many papers.

Q. Was you his servant?

A. I was.

Q. Have you seen him sign any papers?

A. I used to see him sign Nagree papers, and seal Persian. I have seen him with my own eyes.

Q. Have you ever had a brother?

A. I had two.

Q. Was Pudmohun Dofs your brother?

A. Yes.

Q. Was you his administrator?

A. His affairs and effects are in my hands.

Q. Have you obtained an order of Court to be his administrator?

A. I have.

Q. Where is it?

A. Mr. Jarret has it. [Letters of administration produced to him and Seibnaut Dofs, his father.]

[Mr. Jarret proves service of notice on the witness, to produce a Nagree paper given to Pudmohun Dofs by Maha Rajah Nundocomar, when Mohun Persaud, Gungabissen, and Pudmohun Dofs, were at his house, in Bolla-key Dofs's own writing, dated about the 9th. of Poose. He likewise proves the same notice on Seebnaut Dofs.]

SEEBNAUT DOSS.

Q. Have you any paper belonging to your late son Pudmohun Dofs?

A. I was at Patna, when he died. I have never had any of his papers.

LAUCHMON DOSS.

Q. Have you any papers belonging to Pudmohun Dofs?

A. Both Pudmohun Dofs's private papers, and those of Bolla-key Dofs were in the Court. Gungabissen has taken away Bolla-key Dofs's papers. Pudmohun Dofs's re-

main there. I arrived here 8 months after the death of Pudmohun Dofs. That paper was not in my possession.

Q. Have you looked over the papers in Court?

A. I have not.

KISSEN JUAN DOSS.

Q. When you went with Mr. Sealey, what papers did you look for?

A. I looked for a paper wrote in Bolla-key Dofs's hand, signed by Pudmohun Dofs. It was a paper, in which all the agreement was drawn.

Q. Did you look over every paper?

A. I looked over every one paper, and can swear it was not among them.

Jury. Q. Would not the Curra Nama have been given up, on a bond given to perform the contract?

A. It is the custom to take away the first contract, when the second is given.

LAUCHMON DOSS.

Q. Did you know Bolla-key Dofs's seal?

A. From seeing it I shall know whether it is such as he used; but I do not understand Persian. I should know whether the seal was like it from the shape.

CROSS EXAMINATION.

Q. Did Bolla-key Dofs sign, when he sealed Persian papers?

A. He did not.

Q. What part of the paper did he seal on?

A. I have seen him seal many papers. He used to put his seal to letters and papers.

Q. What servant was you?

A. I used to write letters. I had charge of the treasury.

Jury. Did you ever see Bolla-key Dofs write or seal?

A.

A. He has signed his name on Nagree, and put his seal on Persian papers.

Q. How near was you, when you saw his seal?

A. I have seen his seal on his finger very near. When the Sepoys used to bring drafts for their pay from the Nabob, Bollakey Doss used to take from the Sepoys the draft, and give them a paper in Persian, on which he put his seal.

Q. Did you ever see him put it to a bond?

A. I never did.

Mr. SEALEY.

Q. Was you present with Kissen Juan Doss, when he looked over the papers?

A. Yes.

Q. Did he look at all the papers?

A. No. He would not look at some, because of the indorsement, and some because they were old, and some because he tied them up himself. I apprehend the papers could not be examined in less than three days.

KISSEN JUAN DOSS.

Q. Did you examine every bundle?

A. There were several large bundles of papers of old accounts, that I did not examine, thinking them of no use.

Court. This will not entitle you to read any paper, or make what Kissen Juan Doss said evidence. But tho' it is not strictly so, I will nevertheless leave it to the Jury.

MONOHUR MUNSHY.

Q. Do you know Mohun Persaud?

A. I do.

Q. Has he ever sent for you lately?

A. He has.

Q. Did he shew you some papers?

A. He did.

Q. In what language?

A. In Persian.

Q. Tell the Court truly what passed on that occasion?

A. He called me three days before Maha Rajah was put in gaol: it was about 6 gurry of the day when he sent for me (half past nine): he sent a man with his salam, who desired me to come to Mohun Persaud, for he had a great deal to say to me. I said, I could not come now; I had business: I will go at noon. At noon I went to his house: he was very glad to see me. When I arrived at his house, he bid me sit down by him: we two sat down together: there was no body else. After we sat down, he took out some papers: he first took out two teeps that were torn at the top: he said, I have heard these are in your hand-writing. I said, Give them to me, and I will look at them. I took them, looked at them, and said, They are not my hand-writing. He said, You was before a servant of Maha Rajah; I have heard they were of your hand-writing: I said, They are not of my hand-writing; if they were, I would tell you. After that he took out a bond (tamasook) and said, I have also heard this was your hand-writing; look at it. I looked at it and read it, and said, Neither is this of my hand-writing: in that bond something is wrote about pearls. He said, I heard this is your hand-writing: there is a friendship between you and me: why don't you tell about this? I again said, they are not my hand-writing. Mohun Persaud said, If you will say they are of your hand-writing, Maha Rajah will be a great liar, and will meet with great punishment. I do not want you to tell for nothing; I will give you 4 or 5000 rupees. I said, I cannot tell such words as these: it is not my hand-writing: how can I tell it is? He then said, Well, if you will not say it is your hand-writing, find out a man that will say it is his hand-writing: whatever is to be given I will give him; I will likewise make you joyful. Mohun Persaud said, Enquire for such a man: I answered, I cannot do this: I said that he was advising me to do a very bad business, and I went from thence.

Q. Did you relate this to any one, upon your getting home?

A. It is a month and 10 or 11 days ago, since this happened: how many men have asked me about this I know not, it is so long ago

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ago: as I mentioned, many friends and relations have asked: how can I tell any one in particular?

Q. Have you told it to any body?

A. I mentioned it to no body immediately.

Q. Did you tell any body that day?

A. I did not.

Q. Did you the next day?

A. I do not know: [he recollects] upon the evening of that day I mentioned it to Permanund Mokerjee.

CROSS EXAMINATION.

Q. Who was at Mohun Persaud's house when you went there?

A. I saw Kissen Juan Dofs; he also saw me; but in the room into which I was carried, there was no body but Mohun Persaud and myself.

Q. Were none of Mohun Persaud's people there?

A. I went up stairs: I saw Kissen Juan Dofs sitting there: I saw no one else.

Q. When Mohun Persaud spoke to you, did you understand that he wanted you to tell whether you had wrote it or not, or to say that you had absolutely wrote it if you had not?

A. How can I tell what passed in his heart? I tell what happened: I have taken an oath: you have put questions to me: what I know I told you.

Q. What did he say to you?

A. "If you do say it, Maha Rajah will be proved a liar, and will have great punishment. You will not say it for nothing; you will have 4 or 5000 rupees."

Q. Did Mohun Persaud mean to get the man that wrote it, or one who did not, but would swear he did?

A. He said, "If it is not your hand-writing, find out such a man for me, who will say, These are my letters: what is proper to give I will give; and I will render you joyful."

Q. Where does Permanund Muckerjee live?

A. In the same compound with me.

Q. What is his employment?

A. He is in no employment.

Q. Did Permanund Mokerjee ask you, or did you tell him?

A. He asked me.

Q. How came he to ask you?

A. Because he saw the peon come, he asked me why Mohun Persaud sent for me?

Q. What was the peon's name?

A. I asked his name: I don't well remember; but I believe it was Cawota: he said he was Mohun Persaud's man.

Q. Did the peon go with you to Mohun Persaud's?

A. He did not.

Q. When did he call you?

A. At 7 guries: I went after mid-day.

Q. Had you ever been at Mohun Persaud's before?

A. I have, because I owed him 72 rupees: I never was in that room before.

Q. Did you tell any body else that day?

A. I only told Permanund that day.

Q. Did you tell any one the next day?

A. I did not that day: after that day it got wind, and a great many people asked me: I told them.

Q. Did Mohun Persaud bid you keep it a secret?

A. No; but there was a great friendship between us.

Q. Who did you tell it to next, after you told it to Permanund?

A. I cannot remember: many people asked me, and I told them.

Q. Who did you tell it to besides?

A. I told it Mr. Durham.

Q. How came you to tell Mr. Durham?

A. Mr. Durham asked me, who was my master?

A. Did you tell any other Englishman?

A. No: what have I to do with Englishmen?

Q. Did you never tell it to Mr. Jarret?

A. He asked me in this court: I did not tell all.

Q. To how many black people did you tell it?

A. I do not remember.

Q. Did you ever tell it to Kissen Juan Dofs?

A. I did not: I do not remember any other black man I told it to.

Q.

Q. Do you remember any other person that asked you about it?

A. I do not remember one that asked me: there were a great many, but I do not remember them.

Q. As many witnesses remember accurately for 14 or 15 years, cannot you remember for a month?

A. I am a Company's servant: why should I take such pains about it?

Q. Who do you keep company with?

A. Mr. Durham.

Q. Can't you remember any one that has asked you?

A. I cannot remember one.

Q. Do you go to make salams to Maha Rajah?

A. Since he has been confined in gaol I have not paid salams: I used before.

Q. Are you sure you have not visited him since he has been in gaol?

A. I do not remember that I have visited him in gaol.

[Question repeated.]

A. The gaol is the same street with the cutcherry: I went to the gaol one day. I heard, Rajah Nobkissen and several persons of rank had been to pay salams: I likewise went to pay salam: I did not see him: I never went but that time.

YEANDEL, (Gaoler) sworn.

Q. Did you ever see this man at the gaol?

A. I think I have seen him about the gaol.

Q. Did you ever see him more than once?

A. I cannot say with precision: I think I have seen him once, and remember him well.

MONOHUR METRE.

Q. Did any body else shew you these Persian papers?

A. Yes, Mr. Durham also shewed me the teeps: I do not remember whether he shewed the bond: he asked me if they were in my hand writing?

Q. Was Mohun Persaud present?

A. Yes.

Q. Was this before or after what passed at Mohun Persaud's house?

A. It was after.

Q. Did Mr. Durham shew you the bond?

A. I remember the teeps: I do not remember the other. Mohun Persaud shewed me three papers.

Q. How long after the conversation at Mohun Persaud's did Mr. Durham shew them to you?

A. It was one or two days after Mohun Persaud had shewn them to me.

Q. Did you tell Mr. Durham any thing of Mohun Persaud's offer?

A. No.

Q. Relate what passed at Mr. Durham's.

A. Mr. Durham looked at those papers, and asked me if they were of my hand-writing: he desired me to be certain, and speak the truth. I told him I would shew him my hand-writing in the book of the cutcherry: when they were compared they were found not to agree.

Q. Who were present beside Mr. Durham?

A. Mohun Persaud and Jaggutchund, the son-in-law of Maha Rajah.

Q. Did you then say that Mohun Persaud had asked you the same questions before?

A. No: why should I do more than answer his questions?

Q. Did you any other time tell Mr. Durham of the offer made you by Mohun Persaud?

A. Another time Mr. Durham sent to me, and asked if Mohun Persaud had offered me any money: I told him what I have before related.

Q. How long is it since Mr. Durham sent for you?

A. It was before the Grand Jury met.

Q. How long before?

A. About 4 or 5 days: I can't tell with certainty.

Q. Did you come when Mr. Durham sent for you first?

A. A man came to me about mid-day: I said I was sick, I would come the next day.

Q. Was you really sick?

A. I was feverish, and had a purge.

Q. What conversation passed between you and Mr. Durham?

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A.

A. He asked me if Mohun Persaud had offered me money: I asked what, in what manner; and told him what I have before related.

Mr. DURHAM sworn.

I was told by my firca, about three days after the commitment of Maha Rajah, that the man that wrote the bond was the Munshy of the Cutcherry, and that he had been at that time Munshy to Maha Rajah. I shewed him the bond, and asked him, in the presence of Jaggut Chund and Mohun Persaud; he took the bond and read it; looked at it long and accurately: I gave him all three; I do not know which first. He looked accurately at the first, and then said it was not his hand. I desired him to be exact, to recollect himself, and if he had wrote it to tell: he still said it was not his hand. I then bid him bring me the Cutcherry, which he brought immediately: from my idea of Persian I did not think them the same hand. Mohun Persaud insisted they were, from his idea of Persian. He knew as little of Persian as I did myself. Not a word passed of any offer from Mohun Persaud, or his having seen the papers before: every day after that he was at my house; he never mentioned a word of any offer from Mohun Persaud: one of the Mollavees of the Cutcherry told me he was to say so. I sent for Monohur, and he told me just what he has now related.

Memorandum. Two of the witnesses, Ramnaut and Bolgovind, that were on the back of the indictment, not having been called by the Prosecutor, and it having been observed by the Court, and the Counsel for the Prisoner being told that they might call for them, the Counsel for the Prisoner said, he was well acquainted with, and could give the reasons why the Counsel for the prosecution had not called them, and that he should immediately call them.

RAMNAUT.

Q. Do you know Mohun Persaud?

A. I do.

Q. Was you present when Maha Rajah was examined for the forgery before the Judges?

A. I was examined that day.

Q. When was it?

A. It was on Saturday: it was upwards of a month ago.

Q. What day of the month was it?

A. I do not know.

Q. What induced you to go there then?

A. There was formerly a great friendship between Maha Rajah and Mohun Persaud: they both took a great deal of notice of me about that time they quarrelled, and I went equally to both when they were separated.

Q. At what time was this?

A. I remember the time, when Maha Rajah one day said to me, You know I like no one better than Mohun Persaud, except my son: now he wishes to ruin me in this affair of Bollakey Dofs; he is only an attorney in this affair: tell him he cannot get more than 5, 7, or 10 thousand rupees, by succeeding in this affair; tell him, if he pleases, I will give him 15, or 20,000 to desist from this prosecution; I told Mohun Persaud, and Mohun Persaud said, I have told a great many English Gentlemen of it; I cannot desist.

Q. When was this conversation?

A. It was 9 or 10 months before I gave evidence of this affair before the Judges. There was a suit, at that time, in the Dewannee Adawlet. Mohun Persaud having heard what I related about Maha Rajah Nundocomar, asked me about it, and desired me to come, and give evidence of it on the water of the Ganges.

Q. Do you understand English?

A. No, I do not.

Q. When did Mohun Persaud first hear what you have said?

A. I have before said, it was 9 or 10 months, before I gave evidence before the Judges: he desired me to give evidence, respecting this business. I believe it was in the month of Assen.

Q. When?

A. When this affair was coming into the Adawlet (this Court), he said, You remember what passed between you and Maha Rajah; you must give evidence of it.

A.

Q. How long was this before you gave evidence?

A. About ten or twelve months before I gave evidence. There are accounts, payments, and receipts between us.

Q. Did this conversation pass at this time?

A. I went one day to his house; and he there desired me to give evidence of what passed between me and the Maha Rajah.

Q. Who was present?

A. This is God's Adawlet, and I will tell no lies. I went upon business to his house, and nobody was present.

Q. At what time of the day was it?

A. About three or four guries of the day remained.

Q. In what room of Mohun Persaud's house was it?

A. On a terrass, up stairs, there is an upper room, where Gungabissen lives: on the outside of that, there is a gunja, where we sat.

Q. Were you sitting at that time?

A. We were sitting.

Q. Who got up first?

A. I got up first; and got my dismissal, and went away.

Q. How long was he there?

A. Three guries of the day remained, when I went there; and when I went away the lamp was lighted. Gungabissen was asleep upon his cott; there were two or three servants there.

Q. Where did you see these servants?

A. In Gungabissen's room. I went out of the room, they were there.

Q. Be particular in telling Mohun Persaud's answer.

A. When I delivered the message from Maha Rajah, he said, I have told a great many English Gentlemen of this affair, and cannot desist.

Q. Did he say any thing else to him?

A. He said, I have told many English Gentlemen; think within yourself, how can I desist.

Q. Did not Mohun Persaud say, if I had known this sooner, it might have been done?

A. He said no more: he said he had told

many Gentlemen: think within yourself, how can I desist?

Q. Did Mohun Persaud say, if this affair had been mentioned before, it would have been possible to have done it.

[He gives the same answer, and says, these are the words. Mohun Persaud spoke as I have before related.]

No further answer could be obtained; being threatened with commitment, he said, These are the words Mohun Persaud spoke; what more should he say?

Q. Was the lamp lighted before you went away from Mohun Persaud's?

A. Yes: the lamp was lighted before I went away.

Q. How long?

A. I went at the time the lamp was lighted, or about a minute or two afterwards.

Q. Who lighted the lamp?

A. There was no lamp where we were: the lamp was in Gungabissen's room.

Q. What kind of a day? was it fair or not?

A. It was a rainy day: I went with my shoes on: I walked there.

Q. Was not this 15 days before Maha Rajah was taken up?

A. I said it was ten or twelve days.

Q. Had you ever afterwards any conversation with Mohun Persaud on this subject?

A. I used almost every day to go to Mohun Persaud's. I went after that on my own business; there was no other conversation on this subject, till I came here. I have myself a suit in this Court, and come almost every day. He told me the morning of the day I gave evidence, to come here. I came here in the morning; the first sight I had of him, was in the Adawlet.

Q. Do you mean the first or second time you was examined?

A. I was examined before those Gentlemen the first day. [Pointing to Mr. Lemaitre and Mr. Hyde.]

Q. Where did you see Mohun Persaud, after you gave the evidence?

A. The first sight I had of him was here.

Q. Who do you come to at the Adawlet?

A.

A. I always come to that Gentleman.
[Pointing to the Under Sheriff.]

Q. When did you see Mohun Persaud, after you gave your evidence the first time?

A. I used to see him every day.

Q. When did he tell you to come here?

A. He told me, the day I conversed with him on the subject, that I was to give evidence here. He said I must be there on Saturday se'nnight. How should I have known when to come, if Mohun Persaud had not told me?

Q. When he told you so, was it the first time he was examined?

A. It was the first time he was examined.

Q. Did Mohun Persaud offer to give you any money before the Judges?

A. Why should he give me rupees in such a case? Why should you ask me such a question? I am not worthy such suspicion, as the Gentlemen of the Counsel, and all the principal people in Calcutta, well know. I am much engaged in business with Mohun Persaud, 13,000 rupees is due to me. I gave Mohun Persaud a writing, that when I received it, I would give Mohun Persaud four annas in the rupee; this was, if Mohun Persaud would give me 500 rupees, in ready money. I have not received all the money.

Q. Did Mohun Persaud never make you any promise, in consequence of giving your evidence?

A. He never did.

Q. Do you know Gopenaut Dofs?

A. I do not.

Q. Do you know Rada Cunt Roy?

A. I do not.

Q. Do you know Gungadar?

A. I do not.

Q. Had you ever any conversation with Gopenaut Dofs, at the time you examined before the Grand Jury, or before Mr. Justice Lemaitre, or Mr. Justice Hyde?

A. I do not know him. I do not recollect having any conversation with such a person.

Q. Have you any relation of the name of Gopenaut Dofs?

A. My house is at Malda. I do not know I have any relation in Calcutta of that name.

There is a Gopenaut Dofs at Malda, who is a relation of mine. He is of my Cast.

[A man is produced; and the witness is asked, if he knows him.]

A. I do: his name is Gopenaut Nazzer.

[The man being sworn, is asked his name.]

A. My name is Gopenaut Dofs.

RAMNAUT.

Every body calls him Gopenaut Nazzer. He one day asked me, if I would enter into friendship with him. He asked me if I would have a farm; and said, Come to my house, if you will do these things, it will be better for you. I answered, I do not know your house. On another day he sent a man to me: I then sent an Adawlet Peon with him, to see where his house was. I did not want any thing with him: I did not go to his house.

Q. What did he say to you?

A. He said, Will you have a farm? Will you come to my house? There are some persons, whose business it is to be witnesses.

Q. What was his reason for coming to the house?

A. He put his palankine down at my door. I don't know his reason.

Q. What did he say to you?

A. He told me what I have said; if I have told you wrong, you may punish me. I know of the state of this man.

Q. Why did he offer the farm?

A. I never knew the man: I had no conversation with him; I wondered he should offer me the farm. I believe he is a farmer, a native, collector, and a nazzer.

Q. Whose nazzer is he?

A. I have heard him called Gopel Mezer. I don't know whose nazzer he is.

Q. Is he any relation of yours?

A. He is no relation of mine: a great many things of this sort will come out. I was standing at the door of Mr. Kellican: Sheck Mahomed Gellamey began to say to me, Maha Rajah is a Bramin, he will now be ruined. Do you save him; you owe Maha Rajah money. That he will excuse you.

Q.

[The court here interrupts him; and said, he must not tell what another man had said to him, and told the Jury they must take no notice of it.]

Q. When was the offer of the farm?

A. It was after Maha Rajah was in confinement.

Q. Do you know of Gowanny Chun Nag?

A. No.

Q. Do you know Ram Gopaul Gofs?

A. No.

Q. Do you know Hurrikissen Muckerjee?

A. I know him: I believe he is the brother of Harry Cunt Muckerjee.

Q. Did you make him write any paper?

A. I did occasion him to write a paper; but if you can prove that I offered or gave money to any one to swear, let me be punished: they occasioned Muckerjee to write it. I went to the house of Mr. Driver; Hurrykissen Muckerjee was there. I said to the three men, two of them were my men, that were witnesses in the affair with Mahomed Gullamee. I said to them, Whatever you know about this affair, give me in writing. They said to Hurrykissen, Write to me. The paper had been wrote. They two, Govin Sing, and Gundaram Roy, signed it. I said to Hurrykissen, These men have given me a paper, witness it: he said, I will not be a witness to the paper: I shall be called into the Adawlet, if I am. There was another fircar there; and that paper being torn, the fircar wrote out another.

GORPE NAUT DOSS.

Q. Do you know Ramnaut?

A. I know him.

Q. How long have you known him?

A. I have seen him in Calcutta four or five years. I saw him when Mr. Hastings first came to the government.

Q. Had you any conversation with him about any evidence against Maha Rajah Nundocomar?

A. I had.

Q. Relate it.

A. On the 9th day of Choite, I was going to the house of Mr. Cottrell: I saw him

to the south of this house; he made a salam: I asked him, where he was going; he said, I have taken a buzar in farm. He was on horseback, and I was in my palankine; we kept company on the road. I asked him what became of the evidence he gave in Maha Rajah's affairs: he said to me, Mohun Persaud has paid the expence of my house, and given me 300 rupees to give evidence. I said, If you have done this, you have done a bad affair; no words are secret in the Adawlet. He went one way, and I went another.

RAMNAUT.

He says he was in a palankine, and I was on horseback: is it likely such a conversation should pass?

ATTARAM BOSE.

Q. Do you know Mohun Persaud?

A. I do.

Q. How long have you known him?

A. Fifteen or twenty years.

Q. What is his character?

A. I know nothing of his character.

Q. What do people say of him?

A. Nobody speaks well of him.

Q. Do they speak ill of him?

Court. You should ask, whether he is to be believed upon his oath or not.

NEMO DOSS.

Q. How long have you known Mohun Persaud?

A. Twenty or twenty-five years.

Q. What do people say of him?

A. They speak ill of him.

Q. Is he to be believed upon his oath?

A. I cannot say, he is not to be believed upon his oath.

MOHUN PERSAUD.

[Shewn exhibit marked M.]

[For a copy of this, vide page 46]

Q. On what occasion was this paper drawn out?

A. To shew to Bollakey Doss's wife.

Q. Were the papers shewn to Maha Rajah Nundocomar?

A.

A. No: never.

Q. Was it, when drawn out, represented to Bollakey Dofs's wife?

A. Pudmohun Dofs alone signed it, and carried it away.

Q. When did you yourself sign it?

A. When there was a dispute between Bollakey Dofs's widow, and Pudmohun Dofs, I signed it.

Q. Was this after you settled Maha Rajah Nundocomar's account?

A. Long after.

Q. How long?

A. Eighteen or twenty days after Maha Rajah received the bond.

Q. With what view did you sign it?

A. When Bollakey Dofs's widow called me to her, she observed my signature was not to it: upon which Pudmohun Dofs observed that the widow of Bollakey Dofs had taken notice of my signature not being to it. He said, "Here is no name, no teeps, no account; only put your name to this. Why do you make any doubt about it? only sign it, and I will give it you back."

Q. Is this Maha Rajah Nundocomar's account, or not?

A. Look if you can find his name to it?

Q. Is it his account or not?

A. It is not his account.

Q. Do you mean that this paper does not contain the account of Maha Rajah Nundocomar?

A. No; the name of Maha Rajah Nundocomar is not in it, nor was it delivered to him.

Q. Does any part of this paper constitute Maha Rajah's account?

A. It is Maha Rajah's account: the Durbar Karrutch is there; he took the bond for 129,000 rupees, and obtained 60,000 rupees for Durbar expences.

Q. Will you swear positively that this account was settled at the Maha Rajah's house, in the presence of Choyton Naut and others?

A. No, it was not.

Q. Was it never settled, either in writing or verbally, at the Maha Rajah's house, when you was present?

A. It was never settled when I was at the Maha Rajah's house.

Q. You have mentioned the Durbar charges: are the other articles right and true?

A. I have not said the 60,000 rupees were either right or wrong.

Q. What do you say now, were they right or wrong?

A. There was not a cowrie expended in Durbar expences.

Q. How can you possibly know, that the Maha Rajah never paid any Durbar charges?

A. He may upon his own account; not upon this.

Q. When was it you first suspected this account?

A. When Maha Rajah first mentioned to me, that some Durbar expences would arise. I from that time had doubts.

Q. When did you first suspect the bond to be forged?

A. Four days after, Maha Rajah Nundocomar himself, said to me, We have prepared three papers.

Q. Was not that at the time the bonds were paid?

A. He had the money in his possession. The bonds were with Maha Rajah, when Pudmohun Dofs said, Let us get the bonds.

Q. When did Pudmohun Dofs first inform you of it?

A. When the bonds were put into the possession of Maha Rajah.

Q. Why did you not begin this prosecution sooner then?

A. I had very little power in the business of the deceased. Pudmohun Dofs was the master.

Q. When did you begin to have the management of the business?

A. Upon the death of Pudmohun Dofs.

Q. When was that?

A. In the month of Castick, 1828 †, about four years ago.

Q. Did you ever mention your apprehensions of forgery to Pudmohun Dofs, and advise him to prosecute?

† Nagree year.

A.

A. When Pudmohun Dofs brought the bond from Maha Rajah Nundocomar in the night, and read it to me; I asked him the following morning if he had brought all the bonds. He shewed me the three papers, and had the Persian read to me: I said, nothing was due on those papers: what did they mean? Pudmohun Dofs said, Remain quiet, and I will inform you of the circumstances of it. After that, the widow of Bollakey Dofs complained to Mr. Russell thro' Coffinaut: Goshein likewise complained in the adawlet (i. e. Mayor's court) and made Mr. Magee one attorney, and Mr. Sealy his law attorney.

Q. Did Pudmohun Dofs ever after give you satisfactory accounts of these bonds?

A. No: he always put me off, by saying he would inform me of the circumstances.

Q. Did you apply often to him for that purpose?

A. I did not press him much: Goshein did: and Pudmohun Dofs, in consequence, was thrown into confinement.

Q. If you suspected forgery, why did you not press him?

A. He used always to put me off, by saying he would tell me the circumstances.

Q. You ought to have pressed him much; why did you not?

A. I and Bollakey Dofs's widow, Goshein, Gungabissen, and Ballgovin, used always to be pressing Pudmohun Dofs to settle the accounts, and deliver them over.

Q. Did you ever mention your suspicions to the widow?

A. I did not with my own mouth, because I was not with her, but by the means of Durhamchurn I did.

Q. Did you ever by those means inform her, that you thought it a forged bond?

A. What I told her thro' Durhamchurn was, that the Durbar expences charged in the account were unjust.

Q. Tell at what time you first suspected forgery of the bond; and that the seal of Bollakey Dofs was improperly made use of.

A. Maha Rajah mentioned to me the bond, and then I suspected.

Q. How soon?

A. The morning after the night the bond was sent.

Q. What did you see to make you suspect it?

A. I had before reason to suspect it, because Bollakey Dofs kept regular accounts, and that no mention had been made of it in his accounts: I had never heard it from Bollakey Dofs: I had seen the letter of attorney, in which ten thousand rupees were mentioned as a balance.

Q. Did you see upon the face of the bond any thing to make you suspect it?

A. It was not signed by Bollakey Dofs, and I knew that Seillabut was dead a year and a half before.

Q. Before what?

A. A year or two before Bollakey Dofs died.

Q. What objection could his death be to the witnessing a bond in seventy two?*

A. A man may write a bond and antedate it.

Q. When was you so far certain as to prosecute?

A. When I saw the account of jewels, the name of Rogonaut, and the mention of plunder, I knew it was forged, and from the nature of the bond, which is not regular in itself, being conditional: bonds are not commonly made out so when money is received.

Q. Was it from the sight of the seals or signature, or the contents of the bonds, that made you first suspect?

A. All these circumstances together; I mentioned it often to Mahomed Commaul.

Q. Are not the eight bonds on the Nagree account, charged by you and Pudmohun Dofs to Bollakey Dofs's estate?

A. I wrote nothing; Pudmohun Dofs wrote every thing forcibly himself.

Q. Are they not charged to Bollakey Dofs's estate?

A. The books were in Pudmohun Dofs's hands, he might enter what he pleased.

Q. Were, or were not, the bonds charged to the estate?

A. Pudmohun Dofs and I never acted in conjunction in such a business.

O

Q. Then

* Bengal year.

Q. Then we are to understand that you did not charge it to the estate?

A. I was not permitted to see any thing.

Q. What is the amount of those eight bonds?

A. One lack, 43,485 rupees.

Q. Who brought the bond to your house the morning you first suspected?

A. Pudmohun Dofs brought it.

Q. Was you present, when Maha Rajah gave it to Pudmohun Dofs?

A. I was, and so was Gungabissen.

Q. Were any other bonds or teeps cancelled besides?

A. There were three papers cancelled, the bond and two teeps; two were for 35,000 rupees, the other for 48,021 sicca rupees, besides batta.

Q. When did you first see this account [M]?

A. When it was signed, and afterwards in the Dewanny Adawlet, only those two times.

Q. Where did you sign it?

A. At the house where I now live.

Q. Are the other articles besides Durbar charges true?

A. It is no account at all; it is not regular.

Q. Do you know of any of the sums in it? Is any one article right?

A. How can I tell if it is right?

Q. Why then did you sign it?

A. To satisfy Pudmohun Dofs and the widow.

Q. Do you know Choyton Naut?

A. I do.

Q. Who is he?

A. A servant of Maha Rajah's.

Q. Look at the account, and say in what rupees it is?

A. It is not specified.

Q. Look at the last line but one.

A. It is current rupees.

Q. Do you know of an entry in the books of 129,630 rupees?

A. No, I do not.

Q. Do you know of an article in the Curra

Nama of 69,630 rupees, written by Pudmohun Dofs, and signed by Bollakey Dofs?

A. No.

Q. Do you know Monohur Munshy?

A. I do.

Q. Had you ever any conversation with him about any evidence he was to give in this cause, or about the bond, and what passed on that occasion?

A. I shewed the bond first to Juggut-chund: I shewed it also to Coja Petruse; his Munshy read it: I then shewed it to Mr. Durham, to shew it to Monohur; he accordingly did so.

Q. Did you shew it to Monohur before Mr. Durham shewed it him?

A. It was not in my possession before; I could not shew it him; I shewed him a copy, which I also shewed to many people.

Q. Did you not shew him the original, the day before you shewed it him, thro' Mr. Durham?

A. I can take my oath I never shewed him the original, before I shewed him the copy.

Q. Where did you get the copy?

A. I took it out of the Mayor's court.

Q. Did you ever send for Monohur to your house on this occasion?

A. He owes me 100 rupees, I have sent for him often on that account.

Q. Did you ever send to him about the bond, and ask him if he wrote it?

A. I never sent to him purposely to shew him the copy.

Q. Did you send to him, and did you shew him the copy?

A. It is two years since I shewed him the copy.

Q. Have you not shewn him the bond or copy, within these three months?

A. No.

Q. Did you ever shew any teeps to Monohur?

A. Yes, in the house of Mr. Durham.

Q. Did you not shew him the teeps about three days before Maha Rajah was in confinement?

A. No.

Q. Did

Q. Did you never shew them to him, except at Mr. Durham's?

A. No.

Q. Did you ever desire Monohur to say he wrote the bond?

A. No.

Q. Did you ever ask him if he had written the bond or teeps?

A. Yes, a great while ago; not lately; two years, or two years and a half ago.

Q. What answer did he make?

A. That it was a good while ago: he could not recollect, whether he had or had not; but when he should see them he might tell.

Q. Did he ever say any thing of finding another person who had wrote them?

A. Yes. I told him, if he knew the person who wrote them, I wished he would bring him: he said that Maha Rajah seldom wrote different papers with the same Munshy, and that as I had not the original bond to shew, he should not be able to find out the persons who wrote them.

Q. Did you make him any promise, in case he produced the man?

A. I did say, that if he would bring the man that really wrote the bond, I would give him a sum: he said to me, he thought the Munshy who wrote it was turned off from Maha Rajah, and gone to Moorshedabad.

Q. Did you ask the name of that Munshy?

A. No: I did not ask.

Q. Why not, if you wanted to procure him?

A. I did not, because Monohur promised to find out the man when he came back, and I might shew him the bond: a man of the name of Buloll Cawdy, first directed me to Monohur, in consequence of which, I spoke to him.

Q. How long ago?

A. About two years and a half.

Q. Was you not acquainted with Monohur before?

A. Yes, long ago: he was a servant of Maha Rajah's.

Q. Was not you and Maha Rajah, once upon good terms together?

A. Yes; upon terms of strict friendship: he loved me as his son.

Q. Was Kissen Juan Doss at your house, when you shewed the copy to Monohur?

A. It was a year, or a year and a half ago: I can't remember.

Q. Has Kissen Juan Doss been at your house, a few days before the commitment of Maha Rajah; and was Monohur there at the same time?

A. Kissen Juan Doss, before Maha Rajah's confinement, always slept in Gungabissen's room; but since that time he has not: a great many people come to Gungabissen, whom I do not see: I did not see him at the time you mention.

Q. How came you to quarrel with Maha Rajah?

A. About this business.

Q. Did you see Monohur at your house, any time within a week, before the commitment of Maha Rajah?

A. I never did.

KISSEN JUAN DOSS.

Q. Do you remember being at Mohun Persaud's, and seeing Monohur, and when?

A. On the other side of ten or twelve days of Maha Rajah's confinement, about noon, or or two in the afternoon. One day I was walking before the door of Mohun Persaud's house. Monohur was at the door, and made his salam: I went and sat with Gungabissen: afterwards, Mohun Persaud and Monohur came into the house; two or three guries after that, Monohur went away.

Q. Did you see any papers produced to Monohur?

A. I did not see any papers: they were in another room.

MONOHUR.

Q. Was there any wax seal to the papers shewn you?

A. There was no wax seal: there were ink seals.

Q. Are you sure it was three days, before the commitment of Maha Rajah Nundocomar?

A. I am very clear it was three days.

O 2

MR.

MR. DURHAM.

I had the bonds in my possession, three days before the commitment of Maha Rajah.

JUNE 15, 1775.

MR. Farrer offers to read a paper, as a copy of the original paper, which the representatives of Pudmohun Doss had been served with notice to produce.

Court. You must prove service of notice on Gungabissen: Mohun Persaud said all the papers of Gungabissen were in the hands of the register; if any paper was delivered to Maha Rajah Nundocomar, it was not in his presence.

MOHUN DOSS.

Q. Do you know Gungabissen?

A. Yes.

Q. Do you know Maha Rajah Nundocomar?

A. Yes.

Q. Did you know Bollakey Doss?

A. Yes.

Q. Did you ever see Bollakey Doss write?

A. No: I never saw him write on any paper whatsoever.

Q. Did you copy any paper in the presence of Mohun Persaud, Gungabissen, and Pudmohun Doss?

A. Yes, I did, by order of Maha Rajah. [A paper is produced]

Q. Is this your hand writing?

A. It is.

Q. Was the original, of which this is a copy, delivered to any one?

A. Maha Rajah delivered a copy to Pudmohun Doss.

Q. Was any objection made to signing the original papers, when delivered to Pudmohun Doss?

A. He said nothing: he signed, and I gave the copy to Maha Rajah.

Q. Who are you? what is your business?

A. I am in trade.

Q. Where do you live?

A. I have a house at Cossimbuzar: I have been there these two years: I have been go-

ing backwards and forwards, from Hugly and Chinsura to Calcutta, for thirty years past.

Q. How came you at Maha Rajah's?

A. I used to go backwards and forwards to Maha Rajah's: at that time I went to pay salam.

Q. Is the whole paper your hand writing?

A. The body of the paper is my hand writing, and my name is to it.

Q. What became of the original?

A. Maha Rajah gave it to Pudmohun Doss, and kept the copy himself.

Q. How long have you had a house at Cossimbuzar?

A. All my family are there: I went to Cossimbuzar at the time of the disputes between Meer Jaffier and Sujah ul Dowlah: I principally reside here.

Q. Have you a house at Chinsura?

A. Yes, in the Ophium Buzar.

Q. Have you a house any where else?

A. I principally reside at Calcutta: I formerly rented a house in Calcutta, which I have bought for 50 rupees: I used to pay seven rupees per month: I argued with myself, I had better buy it.

Q. Do you pay a rent for your house at Calcutta?

A. It is my own property.

Q. Is the house at Chinsura your property?

A. It is my own property.

Q. What is your trade?

A. I trade in every thing: I trade in long cloth, lead, and every thing else: I am a merchant; for 30 years the place of my habitation has been in Chinsura.

Q. You say, you trade in so many articles, and have different houses: do you carry your commodities with you?

A. I go backwards and forwards, once in two years: I send my Gomastah to those places.

Q. Who is your Gomastah?

A. Kissenchund was my Gomastah: I have no Gomastah now.

Q. What servants do you keep?

A. I keep servants in proportion to my income.

Q. Is

Q. Is your income large?
A. My income is 1000 rupees: or else how could I pay all my servants?

Q. Describe where your house is in Calcutta.

A. The place I have in Calcutta is Huzreymull's, but I pay him a quit rent: my house is in Calcutta, in Huzreymull's garden, in the Buzar road.

Q. Who did you buy it of?

A. I bought it from a beetle merchant.

Q. What is his name?

A. Rampurfaude.

Q. Have you got the potta?

A. No: I get a chit from Huzreymull.

Q. How much do you pay Huzreymull?

A. One rupee per month.

Q. What occasion have you for so many houses?

A. I live here now: I go sometimes to Chinfura; I do not like to hire one: at Cossimbuzar my family live.

Q. Why do not you live with your family?

A. Women don't like travelling: they live at Cossimbuzar, where they get their livelihood easiest.

Q. How many wives have you?

A. For a good man, one is enough.

Q. What are you?

A. A Banian Nagree Wallah.

Q. What was your business, the day you wrote the copy at Maha Rajah's?

A. I did not go particularly that day: I used to go backwards and forwards frequently to make salam.

Q. Do you go to make salam to any other great man, besides Maha Rajah, in the town?

A. I go to no other great man: I am acquainted with no other.

Q. Are you in any intimacy with Maha Rajah?

A. There is a friendship between us.

Mr. Elliot. The word he uses does not convey so strong an idea as friendship, but means something beyond an acquaintance.

Q. Was you ever a servant of Maha Rajah's?

A. No: I am a merchant.

Q. Do you know whether Maha Rajah kept any Nagree writer?

A. I do not know: there are a thousand people under him.

Q. Did you, at any other time, write any paper for Maha Rajah, when you called in?

A. I never wrote any other paper for him.

Q. Was you ever in the room before, when Maha Rajah transacted any private business?

A. I never was present, when he had any other private transaction.

Q. How long ago was it since you wrote this paper?

A. About six years.

Q. What time of the year was it?

A. Before the rains.

Q. Was it morning or night?

A. Three or four guries of the day were remaining.

Q. How long was you writing that paper?

A. $\frac{1}{4}$ or $\frac{1}{2}$ a gurry.

Q. Are you sure it was so much?

A. It was $\frac{1}{4}$ of a gurry.

Q. Are you sure it was quite a quarter of a gurry?

A. Try me.

Q. Did you bring the pen with you?

A. No: it was in the house.

Q. Was the ink stand there?

A. Yes, Maha Rajah was sitting in the hall.

Q. Did you write in the same room?

A. Yes.

Q. Who brought you to Maha Rajah to write that paper?

A. No body called me.

Q. Had you ever wrote in the same room where Maha Rajah was before?

A. No.

Q. How came Maha Rajah to ask you to write?

A. I am a merchant; every body knows I can write.

Q. Who was present besides Maha Rajah, Gungabissen, and Mohun Persaud, when you wrote the paper?

A. Choyton Naut, and another person, a Bramin.

Q. Was

Q. Was any one else?

A. No one else.

Q. Who was the other person?

A. I do not know.

Q. What was his name?

A. I do not enquire the names of every body I see: I have heard his name is Sangoo Loll.

A. He knows himself: I do not know.

Q. Did Sangoo Loll come about business, or to pay salam?

A. I do not know; he came.

Q. Was Sangoo Loll a servant of Maha Rajah's?

A. I do not know.

Q. Were the whole company sitting, or standing?

A. All sitting together.

Q. Did you ever sit in Maha Rajah's presence before this time?

A. I always sit in his presence.

Q. Did any one write on the paper besides?

A. I wrote: They all signed it.

Q. Who is all?

A. Choyton Naut and Sangoo Loll.

Q. Who wrote first?

A. Sangoo Loll first, after I had signed it.

Q. Who desired Sangoo Loll to sign it?

A. All three of them desired of him; Gungabissen, Mohun Persaud, and Pudmohun Dofs.

Q. Who desired Choyton Naut to sign?

A. The three men before mentioned.

Q. Did Maha Rajah say any thing?

A. Yes: he desired them to witness the paper.

Q. Did Maha Rajah desire any of them to sign it?

A. Maha Rajah said it was necessary to witness it to make it pukka; and they said so too, and then signed it.

Q. Did Maha Rajah desire Pudmohun Dofs to sign it?

A. No: he did not ask Gungabissen, Pudmohun Dofs, or Mohun Persaud: he only desired it to be witnessed.

Q. Do you ever pay any customs in the course of your trade?

A. I never paid any in Calcutta.

Q. How came you not to pay customs in Calcutta for long cloth, lead, &c.?

A. I bring lead and long cloth into Calcutta, and send them out of Calcutta.

Q. Name a person to whom you have sold commodities in Calcutta.

A. Ten or twelve years ago I bought a quantity of cloths from Jugal Latty.

Q. Have you had any cloth since that time?

A. No.

JUGAL LATTY.

Q. Do you know Mohun Dofs?

A. I do.

Q. What is he?

A. He is in business: I remember he bought some cloths from me when I was servant to Mr. Senior: he told me he had got some salt about a year and a half since.

Q. Is he at present a principal merchant?

A. I know him very well: he and his brother were formerly deeply concerned.

Couns. for Pris. Do you think him a man of credit, when upon oath?

A. I do not know what passes in his mind.

Q. Is he a man of credit?

A. He formerly was.

Q. Was his name hurt, or not?

[No answer could be procured.]

Q. Do you know any thing of him?

A. He is of a good cast: I know his brother is a good man.

SANGO LOLL.

Q. Did you ever attest a copy of any paper at Maha Rajah Nundocomar's?

A. I did attest a copy of a curra nama.

Q. Who were present?

A. Mohun Persaud, Gungabissen, Pudmohun Dofs, Choyton Naut, and Mohun Dofs.

Q. What do you know of the paper?

A. What should I know of the paper? I know it is my name at the bottom. Maha Rajah told Mohun Dofs to take a copy of a paper; when Mohun Dofs had taken a copy, he desired me to be a witness. I asked Pudmohun Dofs whether Bollakey Dofs's name was to it: he said it was, and then witnessed it.

Q.

Q. Who witnessed the paper besides Mohun Dofs?

A. Choyton Naut.

Q. What became of the original after it was copied?

A. I know nothing of the original: I know we three were witnesses to the copy: what do I know of the original?

Q. Did you compare the copy with the original?

A. No, I did not.

Q. Did you read the one or the other?

A. No, I did not: Pudmohun Dofs said they were the same.

MOHUN DOSS.

Q. Did you compare the original with the copy after you wrote it?

A. What words I did not understand, Pudmohun Dofs explained: after making the copy I read it, and the words that were wrong I altered.

SANGO LOLL. CROSS EXAMINATION.

Q. Did not you read the words over your name, which are, "I, Sango Loll, have examined the original, and attested this copy?"

A. I could not read it: I did not read it: I could not compare the paper: I cannot read it.

Q. Could you read it at that time? Could you read the original paper?

A. I cannot read others hand-writing, though I can read my own. I could not read the original.

Q. What time of the day was it?

A. There were 4 guries remaining when he began to write; and it was evening when he had done.

Q. Was he 4 guries in writing it?

A. I cannot say whether it was 4 guries, or 4 1/2 guries; he began a very little time to write after I arrived.

Q. Was he 4 guries writing it?

A. I do not know how many guries of the day it was when I went: 4 guries remained when he began to write: it was the evening before he finished.

Q. Did you see him write the whole?

A. Yes.

Q. Did all the people who were present when he began, sit by him till he finished?

A. Every body.

Q. Who are you?

A. I am a Bramin and a merchant.

Q. How long have you been a merchant?

A. I have been ten years in this town.

Q. Where do you live?

A. In the Burra Buzar.

Q. What trade do you carry on?

A. I am a shop-keeper, and sell goods.

Q. How long have you known Maha Rajah?

A. Ten years.

Q. Are you well acquainted with him?

A. Very well.

Q. Do you go often to visit him?

A. I do.

Q. How came you to be there at that time?

A. I went to pay salam.

Q. Did Mohun Dofs copy it from the paper before him?

A. Mohun Dofs copied it from seeing the original, but when he did not understand, he asked Pudmohun Dofs.

Q. What things do you deal in?

A. I sell China goods, sometimes fruit, and what I can get two rupees by.

Q. Is your shop full of goods?

A. Yes.

Q. What is the value of them?

A. They may be worth about 5 or 600 rupees.

Q. Was you ever in any other way of business? why do you call yourself a merchant?

A. I never have been a merchant; I never made any great sum in Calcutta, to be called a merchant.

Q. Can you write?

A. I can a little in my own business.

Q. Did you ever attest any other paper at Maha Rajah's?

A. No.

Q. Do you know Choyton Naut?

A. Yes.

Q. Has he been examined in this cause?

A. Yes.

A. Yes.

Q. What is his business?

A. He is a servant of Maha Rajah.

Q. Do you know where he came from.

A. I know he lives in Calcutta now.

Q. Did he sign his name in Nagree or Bengali?

A. In Bengali.

Q. Did you go to fetch Mohun Dofs, or Mohun Dofs go to fetch you?

A. Mohun Dofs did not call me; I went to make salam.

CHOYTON NAUT.

[The last witness says this is the man]

Q. Was you a witness to a paper with this man? [pointing to the last witness.]

A. I was.

Q. In what characters did you sign your name?

A. In Bengali.

Q. Do you understand Nagree?

A. No.

Q. Do you talk Hindostani?

A. Yes.

Q. Did you hear the Nagree paper, that you are a witness to, read?

A. Yes.

Q. Who explained it to you in Bengally?

A. Pudmohun Dofs.

KISSEN JUAN DOSS.

[An account marked Q. is shewn him, found by him among the papers deposited in the court.]

Q. Do you know that paper?

A. This account was written by me, and

is signed by Pudmohun Dofs and Mohun Persaud.

Q. What does that account contain?

A. This account is not entered in the books, but was drawn out in a hurry to be delivered to the Adawlet.

Q. What Adawlet?

A. The former Adawlet, not this.

Q. Was there any account previous to this delivered into the Mayor's court?

A. There was an account given into the Mayor's court, of which this is a continuation.

Q. Is the balance of that former account carried into this?

A. The balance that remained due in the former account, is brought over into this.

Q. Who wrote the former Nagree account?

A. I did.

Q. What is the reason Mohun Persaud returned to sign the account delivered into the Mayor's court?

A. After the confinement of Pudmohun Dofs and Gungabissen, Pudmohun Dofs set about drawing accounts preceding. This was at that time drawn out: after that, when Gungabissen was released, Gungabissen, Pudmohun Dofs, and Mohun Persaud, met at the house of the late Bollakey Dofs; and they jointly wrote out this account. Pudmohun Dofs desired Mohun Persaud to sign it. Mohun Persaud, in answer, desired Pudmohun Dofs first, and then Mohun Persaud.

Mohun Dofs delivered in the Nagree paper [exhibit M] which he had been copying, and it appeared that he had been one hour and a half in copying it.

MOHUN PERSAUD.

[Exhibit Q. shewn him.]

Dr.			Cr.
23,817--5	Balance of precedent account.	38,854--10--2	Paid to different people as per following particulars, current rupees.
	7,500 Two bonds, by Baboo.		
	Mohun Persaud		5,800 paid to Mohun Persaud, balance of 11262--8, which
	5500 one bond Mr. Loose, writer.		

MAHA RAJAH NUNDOCOMAR, BAHADER.

3105

Dr.			Cr.
23,817-5	Brought over.		
	2000 Mr. Hare.	8,500	which was to be paid as follows, 10,862--8 C. R. by order of Bollakey Dofs, and 400 at different times in the life time of B. D. after the execution of the power of attorney, out of which 10,862--8 --5462--8, was paid in the life time of B. D.
14,392--11--3	Bamboo Mohun Persaud.		
1,924--9--1	Pudmohun Dofs.		
23,817--5			
20,400	Ct. Rs. borrowed from Coja Petrusse, for which a bond was wrote, dated 7th May English, and for which the following things were pawned.	2,000	Account sales of allum belonging to Mohun Persaud, brought to his credit on the house at Moorshedabad, and paid him here.
	Purchase deeds of house, 2 bonds of Mr. Gulver, one for 7,639--4, one for 5000.		
	1 receipt of Magal Calusttry, for 5000.	29,164-2-2	Paid to Lewis Callusttry, attorney to Mr. Sparks, the attorney agreeable to a decree of the Mayor's court.
6,947-2	Paid by Allumchund Cuttry, for which one bond was wrote, dated 7th May English, for current rupees.	21,850	Principal.
2,000	A debt discharged by Mr. Gulver, for current rupees.	6,059--8--1	Interest.
334	Paid by Lewis Calusttry, the balance of accounts current rupees.	1,254-10-1	Exps. adawlet.
666-13-1	Sales of a sloop and Mussagur cloth, 140 arc. rups. four pieces of Mussagur at 35 rups.		
550	Ct. rups. sale of sloop.	36,964-02-2	
11--3--1	Batta on the 140 arc. at 8 per cent.	276-11-1	Paid Kiffenchund, gomostah at Patna, acco. his wages
701--3--1		176-11-1	at Patna.
34--6	Duty on the sloop at the Custom house	100	at Calcutta.
666-13-1	at 6--4 per cent.		
1,913	On account will.	276-11-1	
1400	Baboo Gungabissen gee	1550	Paid Meer Abdul Rupool
513	Sawon gee	1160	Principal
1913		390	Int. and expences,
159-6-2	The supposed amount sales of things from the house at Patna.	1550	
40	Matta, two strings	63-12-3	Paid Pottuck Gee acct. Bill 55 sicca rupees
14--8--2	Brass pot, in weight 9p. 11 $\frac{1}{2}$ at 1 $\frac{1}{2}$ per feer.	38854-10-2	
104-14	Silver bullion	2484-10-2	Paid accord. to the will of B. D. as follows.
159-6--2		C. R.	
		500	Gurreeb Dofs Pottock
		400	Moolychund, by the hands of Ruttun Chund
		900	
			1,000

Dr.

210--3--1 On account, outstanding balance
at Dacca. 95 2 bills for sic. R.
100 account fundries ct. rs.
15--3--1 Batta on 95 sic. rps. at
16 per cent.

210--3--1
111 Out standing balance at Patna,
paid by Oges Sein Gomastah.
56,558--14

1000 Kissen Juan Dofs,

19,00

562-12-3 Bahoo Gungabissen,
21-13-3 Moosychund, by the
hands of Ruttunchund

2484-10-2

70 Goodun Dofs acct. sloop expences
from 17 May, to 2d of Baadoon.

209-5-3 Adawlet expences.

4665-1-1 For the expences of house, ser-
vants, &c.

600-11-1 Acct. profit and loss, as by Par-
tar in the books

47,071-15-1

9,486-14-3

56,558-14 Balance as follows:

7500 Two bonds, Mohun
Persaud,

1936-3-3 Baboo Mohun Per-
saud.

52-11 Pudmohun Dofs.

9486-14-3

(Signed) PUDMOHUN DOSS.
MOHUN PERSAUD.

Q. Do you know that account?

A. It is an account settled; it is an ac-
count paid to different creditors.

Q. Why did you sign it?

A. I signed it, because the monies were
really paid to the different creditors. I do not
know whether the former account was right.

Mr. JOHN STEWART called in, to produce
the books of the Council.

Q. Have you brought the books you were
required to bring?

A. I have no authority to carry books out
of the office, or to produce them without
order. I acquainted the Board with the sub-
poena: the Board desired me to acquaint the
Court in their name, that they conceive it to
be liable to many inconveniences and ill
consequences to exhibit the proceedings of the
Council in an open court of justice, especially
as they may sometimes contain secrets of the
utmost importance to the interest, and even to
the safety of the state, and as they conceive

that if it was allowable in one instance, it
would be a rule in all.

Court. In this, as well as in every other
instance, we should consult the interest and
convenience of the Company as much as pos-
sible. We are not surprized, that the Gover-
nor General and Council should be desirous to
prevent their books being examined, which
might tend to the consequences they mention:
it would be highly improper that their books
should be wantonly subjected to curious and
impertinent eyes; but, at the same time, it
is a matter of justice, that if they contain
evidence material to the parties in civil suits,
that they may have an opportunity of availing
themselves of it. Humanity requires it should
be produced, when in favor of a criminal;
justice, when against them. The papers and
records of all the public companies in Eng-
land, of the Bank, South-Sea-House, and the
East-India-House, are liable to be called for,
where justice shall require copies of the re-
cords

cords and proceedings, from the highest Court of Judicature, down to the Court of Pye Powder, and continually given in evidence. When it is necessary they should be produced, the Court will take care they are not made an improper use of. To wish the Council to be put to the least inconvenience possible, we wish they would consider whether they think the inconvenience of the production of their books and proceedings, or the granting copies of such parts as may be required to be given in evidence, may be the least liable to objection. The bringing the books and papers may subject them to the hazard of being lost, and may impede the business. On the other hand, if copies are granted, the court cannot hold so strict a hand over impertinent curiosity as they can, if the books and papers are produced in the open court: if copies are taken not relevant to the cause, the court would most certainly censure the party offending therein; but the mischief might be done by having taken the copies. If they are produced in court, the court will oblige the party to inform the court of the matter proposed to be read, and will not allow it, except they see that it is applicable to the cause. I wish you to inform the Governor General and Council of what is now said, and let them know that we wish to accommodate our practice as far as possible to the convenience of the East-India Company; we wish likewise that you would remind the Governor General and Council, how anxious we are that they should make application to the court to have such of their officers excused from serving on juries, whose attendances in their several offices cannot be dispensed with, without detriment to the affairs of the Company. At the time of the application to us from the different servants to be excused from serving on juries, we mentioned how impossible it was for us to judge who it might be necessary to excuse, and whom not. That we might err on the right side, and not prejudice the affairs of the Company, we were obliged to be liberal in allowing the excuse made; but we have since found that several of the persons excused have since owned, that there was little or no excuse for them,

and that they did not expect it, but thought, when they saw others excused, they might put in their claim: we cannot do this in future, and therefore are very solicitous to be informed by the Governor General and Council, what servants they wish to have exempted from serving on juries, that neither the business of the Court, nor that of the Company, may suffer. The purpose for which the books were desired to be produced was to discredit Shaik ear Mahomed, who, as the Counsel for the Crown stated, had been guilty of perjury before the Council, and had been by them censured for the same. The Court was of opinion, that the evidence was not admissible, it being a particular fact, and not to general reputation; and that no perjury could be committed, in swearing before the Governor General and Council, who do not constitute a court of record: if they were a court of record, the only proper evidence would have been a record of the conviction for the perjury; the books were therefore not desired to be produced.

[The counsel for the prisoner informed the court that the prisoner had something to say.]

Court. By all means; let us hear it: but would it not be more proper for you to ask him what it is, that you may judge of what he has to say?

Counsel. I know it is not improper.

Court. What is it?

A. The Maha Rajah desires that Kissen Juan Doss may be asked further as to the Curra Nama.

Court. Has he any thing else to say?

A. Nothing else.

Court. Do you chuse to ask the question? or that Maha Rajah should ask them himself? You had better ask them.

KISSEN JUAN DOSS.

Q. Did you ever explain the Curra Nama you spoke of to Mohun Persaud?

A. Mohun Persaud went in his palankine to the house of Maha Rajah, and I followed after. I do not know what conversation passed between Maha Rajah and Mohun Persaud.

faud : Maha Rajah sent for the Curra Nama to his own house : Mohun Persaud was present when I read it. The Curra Nama was afterwards shewn to Pudmohun Dofs.

Q. When you shewed the Curra Nama to Mohun Persaud, what did he say?

A. He said nothing.

Q. Did he make no objection?

A. He did not say a word of it in my hearing. He only said the space of six months is written.

Q. Did Mohun Persaud see Bollakey Dofs's name written to it?

A. He did.

Q. Why did Mohun Persaud desire you to go to Maha Rajah?

A. He desired me to go along with him.

Q. Why?

A. He did not tell me any thing particular. I explained to him the Nagree paper.

CROSS EXAMINATION.

Q. What was the sum mentioned in the Curra Nama?

A. I saw a promise in favour of the Governor and Mr. Pearson; likewise account of a bond for jewels. There was some promise in favour of Maha Rajah; and lastly for 35,000 rupees, on account of teeps. To the article of the bond for jewels, no sum was specified. There were sums specified to the Maha Rajah and the Governor; but I do not recollect what they were.

Q. Is the Curra Nama you now mention, the same you made up the books from?

A. It was the same, but I did not extract the account. Pudmohun Dofs did.

Q. Who produced the Curra Nama, Mohun Persaud, or Maha Rajah?

A. Maha Rajah sent for it from his house. There was another Persian letter.

Q. Did you point out to Mohun Persaud the name of Bollakey Dofs on that paper?

A. Mohun Persaud took the paper in his own hand, and read it.

Q. Was this the first time you had seen the paper?

A. Mohun Persaud took me to the house Pudmohun Dofs shewed me before.

Q. Why did not you mention this before?

A. Mohun Persaud forbid me to mention it: he has given me no victuals for these four years.

Q. Did you then remember it?

A. Mohun Persaud had forbid me to tell.

Q. As you were sworn to tell the whole truth, and have mentioned this Curra Nama so often, why did you not mention this circumstance before?

A. If nobody asked me about it, why should I tell the bad actions of Mohun Persaud?

Court. Because it is to save the life of an innocent person.

A. Now you ask me the question, I recollect it; I did not before.

Q. Who have you conversed with since last night?

A. I went down to examine the papers; came here, went home, and did not see or converse with any one last night.

Q. Have you spoke to any body to-day?

A. I went to the house of Mr. Jarrett, to converse with a Nagree Mohurer.

Q. Were there any other people at Mr. Jarrett's?

A. There were 10 or 12 people.

Q. Did you converse with any of them?

A. I did not: I conversed with my own man.

Q. Did you speak to your own man about the Curra Nama?

A. I did not speak to any one. I spoke to nobody but the Court.

Q. Did not you send a written account to Maha Rajah of every thing that you knew?

A. I did write a Persian letter to Maha Rajah: Maha Rajah wrote a Persian letter to me. Having read it, I wrote him an account of books, and accounts, and a few words of circumstances that happened before Bollakey Dofs's death.

Q. Did you in that paper relate this circumstance?

A. So far as related to Pudmohun Dofs, I did.

Q.

Q. Did you write that paper for the purpose of acquainting the Maha Rajah of all you knew?

A. I did inform him of all the circumstances, but this.

Q. Why did you not inform him of this?

A. Mohun Persaud desired me to say the words were erased and scratched out; and therefore I did not say any thing about it.

Q. When did Mohun Persaud desire you to say this?

A. He told me a great while ago before Ballgovin of all the circumstances.

Q. Did you mention in your letter, that you wrote to Maha Rajah what Mohun Persaud had said to you?

A. No.

Q. Why did you not? can you tell any honest reason?

A. Because I am a servant to Gungabissen, and Mohun Persaud is his attorney, and Gungabissen lives with Mohun Persaud.

Q. Did you shew Mohun Persaud the letter you wrote to Maha Rajah?

A. I did not: I only wrote to Maha Rajah to acquaint him with the accounts.

Q. Did you write nothing, but concerning accounts?

A. I must own the truth. I did not write to Maha Rajah any thing about this circumstance: Mohun Persaud is a great man; he told me not.

Q. Was not Maha Rajah a greater man than Mohun Persaud?

A. I was much afraid of Mohun Persaud.

Q. Did you recollect this circumstance at the time you wrote this letter?

A. I did not.

Q. If you had recollected it, would you have wrote it?

A. I certainly should.

Q. Then your being afraid of Mohun Persaud, was not the reason why you did not write it?

A. I am much afraid of Mohun Persaud.

[Question repeated.]

A. I was afraid of Mohun Persaud.

[Question again repeated.]

A. I did not recollect it.

Q. The being afraid of Mohun Persaud, and the not recollecting it, are two different reasons. Both of them cannot be true: was it because you was afraid of Mohun Persaud, or because you did not recollect it?

[No answer could be procured.]

Q. When did Mohun Persaud first bid you mention it?

A. He took a written paper from me: in this written paper, he made me write ten words I did not know, and leave out ten words I did know.

Q. Do you mean that Mohun Persaud occasioned you to write to Maha Rajah?

A. Mohun Persaud and I were on bad terms, when the affair was in the Adawlet. I gave evidence in favour of Maha Rajah: the complaint was, that Maha Rajah had taken money oppressively. I gave evidence that he did not.

Q. Was you at that time afraid of Mohun Persaud?

A. No: I was not afraid at that time.

Q. Were you afraid of Mohun Persaud, when you said that the books of the army were separated from Bollakey Dofs's other papers by his order?

A. Mohun Persaud forbid me to tell. I am afraid of him.

Q. When was it Mohun Persaud told you not to mention it?

A. I believe a year and an half, or two years ago. In the late prosecution Maha Rajah told me, if I would write out a paper, I should have my wages. I did write out a paper: I do not know the particulars.

Q. Did that paper contain all you know of this transaction?

A. I wrote it out, and I copied it.

Q. Did Mohun Persaud tell you what to write, or did you tell him?

A. Mohun Persaud wrote it out first: he used to tell me, when I wrote it out, he would pay me the wages; it remained 10 or 14 days on the bed of Gungabissen.

Q. Did Mohun Persaud, at any other time, except the time last mentioned [i. e. about

two years, or a year and an half ago] desire you not to mention it?

A. In the paper he gave me to copy this is not mentioned, which I observed could not add any thing to it.

[Question Repeated.]

A. No; about two years, or two years and a half ago, he told me two or three times, but never told me since; I put him in mind I knew another circumstance.

Q. Did he ever mention it but these times?

A. No.

Q. When did you receive the letter from Maha Rajah?

A. It is eight, ten, or fifteen days since I got Maha Rajah's letter.

[Here the evidence closed.]

Lord Chief-justice

Lord Chief Justice IMPEY.

THE Prisoner stands indicted for forging a Persian Bond, with an intent to defraud Bollakey Dofs; and also for publishing the same, knowing it to be forged. This offence is laid in several manners, by different Counts in the Indictment, sometimes calling it a Writing Obligatory, and sometimes a Promissory Note; and it is laid to be with an intent to defraud different people, differently interested.

I shall lay out of the Case all those Counts to which I think no evidence can be applied; and shall only mention those to which it may, and shall point out those to which it most particularly applies. I lay out of the Case the Counts where the publication is said to be to defraud Bollakey Dofs, as the publication which is proved was after his death: as also those which charge it to be to defraud Pudmohun Dofs and Gungabiffen as joint executors, there being no proof that Pudmohun Dofs ever was an executor.

The only Counts to which any evidence, in my opinion, can be applied, are the first, fifth, ninth, and thirteenth, which charge this Instrument to be forged with intent to defraud Bollakey Dofs: The eighteenth, which charges it to be forged with intent to defraud Gungabiffen and Hingoo Loll, nephews and trustees named in the will of Bollakey Dofs: The nineteenth, to which the evidence most forcibly applies, for publishing the same knowing it to be forged, with intent to defraud Gungabiffen and Hingoo Loll: The twentieth and twenty-first, which charge the forgery and publication to be with intent to defraud Gungabiffen; the surviving executor.

There has been no evidence at what time the Instrument was actually forged; and therefore it may be difficult for you to ascertain whether it was in the life of Bollakey Dofs, and consequently whether to defraud him, or such persons as had interest in his estate after his decease.

The publication was clearly after his decease; and therefore, if you should think the

Prisoner guilty of that, you would not have the same difficulty as to whom it was to defraud, as it must be his executors, or other persons who took benefit by his will. As the estate was distributed according to the division of the Rupee, which is a custom in this country similar to that of the Romans dividing the As; there is no doubt it must have been to the prejudice of his nephews Gungabiffen and Hingoo Loll.

I will however, after I have gone through the whole evidence, point out that part of it which applies to the actual forgery, and then what applies to the publication, knowing it to be forged.

As the trial has now taken so many days, and the evidence is so long, notwithstanding you have given an attention that I have never before seen in a Jury through so long a trial; it will be necessary, for the purpose of bringing it together, and to refresh your memories as to those parts which passed early in the trial, to recapitulate the whole of the evidence.

[Here the Chief Justice read over the whole of the evidence, and then proceeded.]

By the Laws of England, the Counsel for Prisoners charged with felony are not allowed to observe on the evidence to the Jury, but are to confine themselves to matters of Law: but I told them, that, if they would deliver to me any observations they wished to be made to the Jury, I would submit them to you, and give them their full force; by which means they will have the same advantage as they would have had in a Civil Case.

Mr. Farrer has delivered me the following observations, which I read to you in his own words, and desire you to give them the full weight, which, on consideration, you may think they deserve:

"It is no forgery on Bollakey Dofs, because it is not proved to have been forged in his life-time."

He is certainly right in the observation, that there is no proof adduced of the time of the actual forgery.

Q

"No

"No forgery on the executors, because the prosecutor's evidence prove that they were previously informed of the forgery, and voluntarily paid the Bond. Pudmohun Dofs expressly knew it."

This will depend on the evidence, which I shall observe upon hereafter, whether Gungabissen was so informed. I think there is great reason to suspect that Pudmohun Dofs was privy to the fraud, if any fraud has been. But I have laid those Counts out of the Case, which charge either the forgery, or the publication, knowing of the forgery, with an intent to defraud Pudmohun Dofs and Gungabissen as joint executors, because the prosecutors have failed in this proof of Pudmohun Dofs's being an executor. They produced no probate to Pudmohun Dofs, and would have proved it by his having signed an account delivered into the Mayor's Court. This we did not think sufficient to prove him executor: Mohun Persand by that means might likewise have been proved an executor; for he has signed an account which was delivered in to that Court.

"No forgery upon the trustees, or residuary legatees, because they had only a contingent interest at the time of the publication, and not a vested one. It was not an interest *debitum in presenti solvendum in futuro*: had they died before the contingency happened, the interest would not have gone to their representatives as such, and as claiming under them, but to the next of kin of Bollakey Dofs; therefore they could not be defrauded."

This is a point of Law, and I cannot help differing from Mr. Farrer in it; for, in my opinion, and in all our opinions, the interest of the nephews and residuary legatees is a vested interest, and would, whenever the money due to Bollakey Dofs from the Company should be paid, go to the representatives. The receipt of that money is, I suppose, what is understood by Mr. Farrer to be the contingency.

This objection seems to be made from misstating an observation made early in the cause by my Brother Chambers, and which I

was at first struck with; which was, That neither the appointment of executors, or any part of the will, was to take place till after the payment of the debt from the Company; that is, that Bollakey Dofs considered himself worth nothing but that debt, and meant only to make a will in case that money should be recovered. But, on looking into the will, I pointed out to my Brother Chambers that there were dispositions of other monies; and we are both satisfied that the appointment of executors would have taken place, and the will had sufficient to operate upon, though that money had not been paid; and that, if it was not, Bollakey Dofs did not mean to die intestate. But, however, there is evidence that it has been satisfied by Company's bonds.

Mr. Farrer has likewise given me these further observations:

"Persian Letters, sealed in the usual mode of the country, not allowed to be given in evidence: by our Laws, Letters sealed in the usual mode in England would."

You cast your eyes on those Letters, and observed on the recency of the writing. You thought them an imposition; but, as they were not given in evidence, I desired you would not suffer it to make any impression on you. I have no apprehensions the Laws of any country would permit them to be given in evidence. They were Letters, enclosed in a cover, sealed with the seal of Bollakey Dofs; but were separated from the covers, which had been opened. Any writings might have been put into those covers. There was no signature to the Letters. There was no attempt to prove that the direction of the covers were of the same hand-writing with the Letters themselves, or that they were the hand-writing of Bollakey Dofs, or of any of his writers. If this was allowed, any evidence might be fabricated, to serve all purposes. Letters in England have the signature of the writer, and his hand-writing may be proved: it is impossible these could be given in evidence.

"The witnesses are dead, the transaction is stale, and long since known to the prosecutor."

These

These are objections of weight, which you, Gentlemen, ought carefully to attend to, when you take the whole of the evidence into consideration, for the purpose of forming the verdict; and I have no doubt you will attend to them.

"No evidence of Defendant's having forged Bullakey Doss's seal, for which he alone stands indicted."

There is clearly no direct evidence of his having actually forged the seal. But Mr. Farrer is mistaken, when he says the Prisoner stands only indicted of forging the seal: he is inaccurate in saying he stands indicted of forging the seal; it is for forging the bond. But he does not stand indicted of that only: he is indicted for publishing it knowing it to be forged; and, as I shall hereafter shew, it is to that the evidence chiefly applies, and to which I must require your more immediate attention.

"The absurdity of the Defendant's confessing a circumstance, which would endanger his life, to people with whom he was not in terms of confidence—his refusing, three months after, to become security for Comaul O Deen in his Farm; a thing trifling in its nature, when contrasted with the consequences which might naturally be expected from a refusal—the small degree of credit due to a confession made only once, and nobody present but the party and the witness, which are the words of Comaul's evidence."

It is highly proper you should take these circumstances into consideration: you will consider on what terms they were at the time of these conversations. Confessions of this nature are undoubtedly suspicious; and to which, except there are matters to corroborate them, you should be very cautious in giving too much credit.

"Nothing any ways extraordinary in Comaul's mentioning the circumstance of the Defendant's confession; as it is well known that, in the most common occurrences, the natives of this Country form the most iniquitous schemes, which are not brought to maturity, or disclosed to the Public, for

"a much greater period of time than the present; and that their truth and falsehood are so artfully interwoven, that it is almost impossible to come at the truth."

My residence in the Country has been so short, and my experience so little, that I can form no judgement of the truth of this observation: it is an appeal to the notoriety of the dispositions of the natives. You have been resident long in the Country: some I see who were born here; you know how far it is true, therefore I leave it intirely to you.

Mr. Brix has communicated to me the following observations:

"Improbability of the Bond's being forged, from its being conditional only; for which there could be no necessity if it was forged, as it rendered the obligation less strong, without any apparent reason."

It certainly would have been as easy to have forged an absolute Bond. But there is no evidence when the Bond was forged, if it was forged: it might have been after the payment of the debt due to Bullakey Doss; it might be to give an air of probability to it. But this is matter proper for you to judge upon.

"From the circumstance mentioned therein of the jewels being robbed, as that very circumstance lessens the value of the obligation, it might entitle the deceased or his representatives to relief in equity."

This circumstance of mentioning the jewels is undoubtedly one that makes the transaction very suspicious, as there is no evidence given of any loss of jewels; and indeed the evidence that has been produced on that head goes a great way to prove that no such jewels had ever been lost. It is ingenious to turn this to the advantage of the Prisoner. You will determine whether it can be so applied.

These are the observations made by the Prisoner's Counsel: you will consider them, together with the observations I have submitted to you upon them.

I shall now make some few observations on the evidence, both on the part of the Crown and the Prisoner; desiring, as I have frequently

ly during the course of the trial, that you will not suffer your judgments to be biased, or the Prisoner to be any way prejudiced, from any thing that has past, nor by any matter whatsoever, which has not been given in evidence.

The evidence on the part of the Crown, to support the actual Forgery, is that of Mohun Persaud, who says, That Maha Rajah Nundocomar declared, that he had *prepared* or drawn out three papers, the amount of one of which was 48,021 rupees, which is the amount of the present Bond, and is applied as a confession of the actual forging; but, as the confession may bear a different interpretation, there being no distinction in general made in the interpretation of the evidence, between writing or causing to be wrote, drawing or causing to be drawn, it may mean, that he caused Bollakey Dofs to draw or prepare the Bond, and therefore I think the first would be an hard and rather a forced construction of his words; and indeed he did not actually specify this Bond. Comaul O Deen also gives evidence that will apply to the Forgery. Maha Rajah Nundocomar told him, That he had himself fixed Comaul O Deen's seal to the Bond; and he proves a requisition from Maha Rajah Nundocomar, to give evidence, That he was a witness to the Bond, and makes him promises if he will. This is the evidence of the Forgery; but I think it will be more necessary to attend to the evidence in support of those Counts which I have said the evidence may be applied to, and which charge the *publication* with an intent to defraud.

The evidence which applies to the actual Forgery, applies likewise to the knowledge of its being forged. Mohun Persaud proves the Bond produced by Maha Rajah Nundocomar. A receipt of Maha Rajah Nundocomar for the Company's Bonds, paid in satisfaction of the Bond in question, and the actual satisfaction received by Maha Rajah Nundocomar.

Two witnesses depose, That the name purporting to be in the hand-writing of Sillabut,

is not of his hand-writing. Sabboot Pottack swears positively to this: he says, He was well acquainted with his writing; and speaks as to the usual manner of his attesting which he says, is different to that on this paper.

Rajah Nobkissen, on the paper being shewn him, swore positively, that it was not the hand-writing of Sillabut; but afterwards retracted the positiveness of his opinion: but the circumstance of his immediate fixing on the three papers, which were before proved to be of Sillabut's writing, is a stronger proof of the knowledge of his hand-writing, than any positive oath.

I must again caution you against receiving any impression unfavourable to the Prisoner, from the hesitation and doubts or exclamations of this witness, or from any other circumstances except what he actually deposed to.

Both these last witnesses agree, that the hand to this Bond is better than Sillabut's hand.

Other circumstances are adduced to draw an imputation on this business. An account subsequent to the date of the Bond, which is in 1772, is produced to shew, that Bollakey Dofs was at that time indebted to Maha Rajah Nundocomar only in the sum of 10,000 rupees; but I think no great stress can be laid on that, as it contains a reference to such other debts as may appear by his books.

The Counsel for the Crown have proved, that a draught for a large sum of money was paid at Banaras, about the time of the Bond given, on the credit of Bollakey Dofs, in favour of Lord Clive. This was adduced for the purpose of shewing Bollakey Dofs to be at that time in good circumstances, and to infer from thence an improbability of his entering into this Bond: but I think it proves no such thing; a much larger sum would no doubt have been paid on Lord Clive's credit alone; and it is certain, that Bollakey Dofs was at that time a debtor to Maha Rajah Nundocomar.

There

There is another circumstance ; that Bollakey Dofs had never mentioned either the deposit of the jewels, or the loss of them ; and that there is no entry of it in his books.

Comaul O Deen produced a paper with the impression of his own seal, which he swears to be in the possession of Maha Rajah Nundocomar : you before said, you thought it to be the same with that to the Bond ; you will accurately examine it ; I have not ; I am told, there is a flaw in both the impressions.

Comaul O Deen accounts for his seal being in the possession of Maha Rajah Nundocomar, and swears, he has not received it back : his evidence is supported by Coja Petruse, whose character you all know, and Moonshy Sudder O Deen, to whom he repeated the conversations with Maha Rajah Nundocomar, when they had recently past ; you know the practices of the natives, and whether it is probable, as the Counsel for the Prisoner has suggested, that this is a deep-laid scene of villainy.

The character of Comaul O Deen was enquired into from Coja Petruse, and you have heard his answer.

Subornation of perjury was endeavoured to be fixed on him by the evidence of Hussein Alli ; but as to Cawda Newas, nothing was proved : as to the seal-cutter, his conversation with him seems rather to strengthen than impeach his credit.

This Bond was found cancelled among the papers delivered into the Mayor's Court, as belonging to the estate of Bollakey Dofs ; but the papers of Pudmohun Dofs and Bollakey Dofs were mixed.

This is the substance of the evidence for the Crown ; and no doubt, if the witnesses are believed, whatsoever you may think of the forgery, there is evidence of publication, with knowledge of forgery.

On the other hand, if you believe the witnesses for the Prisoner, a most compleat answer is given to the charge.

There are no less than four witnesses present

at the execution of the Bond by Bollakey Dofs, three of whom had been privy to a conversation at Maha Rajah Nundocomar's, when the consideration of the Bond was acknowledged by Bollakey Dofs : the same persons prove the attestation of the Bond by the three witnesses thereto, who are all dead.

The brother of Matheb Roy is produced, who says, that Matheb Roy was well known to Huzree Mull and Coffinaut : Huzree Mull and Coffinaut did know a Matheb Roy ; but it is clear, from their description of the person, that it is not the brother of the witness at the bar. However, Coffinaut gave an account of the family of the man he knew, whose father was Bungoo Loll ; but said, there was another Bungoo Loll. It seems extraordinary that there should be two Bungoo Lolls, two Saheb Roys, and two Matheb Roys, in two different families : however, there is no doubt of the existence of two Bungoo Lolls and two Saheb Roys ; the improbability then decreases, and both Tage Roy and Roopnerain swear to the existence of the other Matheb Roy. It is extraordinary, however, that this man, who is described by his brother to be a poor man, and servant to a prisoner in the gaol, and was not known to Coffinaut or Huzree Mull, should be described by the Counsel for the Prisoner as a man of note and family, and as being acquainted with Coffinaut and Huzree Mull.

In contradiction to what Comaul O Deen had said, the defence introduces another Comaul ; and all the four witnesses swear positively to his attesting the Bond. He is proved by two witnesses to be dead ; one Joydes Chowbee saw a man going to be buried, and was told it was Comaul.

The other Sheekear Mahomed actually attended his funeral.

Comaul O Deen swears positively it is his seal, and these witnesses swear to the attestation by another Comaul. Joydel Chowbee mentions a circumstance by which he knew it to be the funeral of Comaul : he asked, Whether

Whether it was a funeral of a Bramin or Mussulman? It seems, the mode of carrying out Mussulmen and Bramins differ. You must judge from his evidence, whether he must not have known whether it was a Mussulman or Bramin, without enquiry; indeed he has said, That he did; and the observation was so strong, that he after positively denies he ever said he made such enquiry.

As Comaul is said to have died in the house of Maha Rajah Nundocomar, it seems extraordinary, that no one but Sheekear Mahomed is brought to prove his actual death; it must have been easy to have brought many persons of Maha Rajah Nundocomar's family, especially as he mentions five persons by name that attended his funeral, besides Cooleys; three indeed he has buried since, but there are two still alive. This must have been known to be very material, for this is not the first time that Comaul O Deen has given evidence concerning his seal.

It is admitted on both sides, that Seelabut is dead. It is remarkable, that no account whatsoever is given of the Mour who wrote the Bond: he would have been a material witness: there is no proof whose writing it is: it is proved, that Bollakey Dofs had at that time a writer whose name was Balkiffen, who is dead: there is no evidence that it was of his hand; he was, I think, known to one of the witnesses to the execution of the bond.

A witness says, that Seelabut was a Persian Writer as well as Vakeel to Bullaker Dofs, and Kiffen Juan Dofs seems to confirm it; being asked, What Persian Writer Bullaker Dofs had at that time? he answers, "He had one named Balkiffen, and Seelabut also understood Persian." It is not said to be of his writing; and if Seelabut acted in that capacity, what occasion had Bullakee Dofs to call for another writer?

There is no evidence of any particulars being mentioned to the writer who made out the Bond, though it contains very special matter, except by one witness: all agree that no directions were given in the room before

the people came from Maha Rajah Nundocomar to Bollakey Dofs's; and all the witnesses, except one, deny any specific directions being given after. It is possible, he might have spoken to the Mour before his coming into the room, which the other witnesses at this distance of time might have forgot.

Though there are some variations in their evidence at the time of the execution, that is not at all extraordinary; what is most striking is, the very accurate memories which they preserve as to some circumstances, and their total forgetfulness as to others.

The most remarkable instance of their memory is the knowledge of the seals, which some of them swear to positively, only from having seen them three or four times on the fingers of the owners, from which (though the seals must be reversed when applied to paper, and though some of them do not understand Persian, and consequently not the characters engraved on the seal) they swear positively to their being able to know the impressions; and it is true, for they do point out to whom the impression of each particular seal on the Bond does belong. Kiffen Juan Dofs, who must have seen Bollakey Dofs's seal oftener than any of the witnesses, does not take upon him to remember the impression; and on being told the other witnesses did, he said, they had excellent memories; he was not blessed with such.

They are likewise uniformly accurate in ascribing the order in which the witnesses sealed and signed.

I shall make no observation on the variances of the witnesses to the execution; for, except in two instances, one of the witnesses, who remembered the sum in the Bond, from its being explained in a language he did not understand, the other, Sheekear Mahomed is the only witness that spoke with precision as to the sum. You heard him deliver his evidence, and will form your own judgement on that and on his whole evidence, in which he affirms and denies the same thing in the same breath.

As to the other, it was suggested, that the same words expressed the same sums in Moors and Persian, which drew on an enquiry; and we had the Persian and Moor words for the sums mentioned delivered in evidence; you will see how far you think they agree or disagree.

Nor shall I observe on the manner in which the witnesses on either side gave their testimony. You saw and remarked them. The Jury having the opportunity to make their observations on the conduct of the witnesses, and of hearing the questions put as circumstances arise, is the great part of the benefit of a *viva voce* examination.

The defence does not attempt to prove either the deposit or the loss of jewels. And indeed Kissen Juan Dofs, on whose evidence I shall hereafter observe, says, "That he never heard of such a loss; had it happened, he must have heard it; and a thousand people must have known it." He speaks of the loss of jewels to a trifling amount, but those belonged to another person. This, as I said before, is a suspicious circumstance. But if the jewels were actually deposited, of which there is no evidence, except what I am going to take notice of, the Kurfa Nama: though they were not lost, Bollakey Dofs might have told Maha Rajah Nundocomar that they were; and the Maha Rajah might give credit to Bollakey Dofs; or might chuse rather to take a Bond than enquire further into the matter. It might possibly have been a fraud on Maha Rajah Nundocomar.

Meer Affud's evidence may be very material. He produces a paper, purporting to be a receipt given by Bullakee Dofs to him, for valuable effects of Cossim Alli, delivered by the witness to Bollakey Dofs, which had the seal of Bollakey Dofs to it. The impression you will examine; you will find it to be the same as is on the Bond. This was for the purpose of proving the correspondence of the impression of the seal on this receipt, with the seal on the Bond; and by that means to prove, that the seal to the Bond was the identical seal of Bollakey Dofs, not one that was forged. This transaction was said by the wit-

ness to be when Bollakey Dofs was with the army at Durghotty. It seems clear beyond doubt, from the date of the receipt, from the place the army was then in, and from the circumstances that both Cossim Alli and Bollakey Dofs were in at the time the receipt bears date, that the receipt could not have been given by Bollakey Dofs, and that the whole is a fiction.

A very striking observation arises from this: It may account for the witnesses remembering the seals so accurately. Tage Roy says, He is in possession of Matheb Roy's seal. The seal of Comaul O Deen is proved to have been in the possession of Maha Rajah Nundocomar; and the person who fabricated this receipt must have had that seal which made the impression on the Bond and the receipt. If the witnesses by any means have seen those seals, it is no longer surprizing that they should be well acquainted with the impressions. This is a strong observation; but it is but an observation; I would have you consider it deliberately and maturely before you adopt it.

Kissen Juan Dofs delivered all his evidence, till this morning, with such simplicity, and with such an air of candor and truth, that I gave full assent to every thing he said; and I am extremely chagrined that there has arisen any cause to suspect any part of his evidence. He mentioned a paper, which he calls a Kurfa Nama, in which the whole of this transaction was wrote, and which was acknowledged and signed by Bollakey Dofs. Though the entry made in the book after the death of Bollakey Dofs, by order of Pudmohun Dofs, and purporting to be in the life-time of Bollakey Dofs, carried marks of suspicion with it; yet, I own Kissen Juan Dofs had so compleatly gained my confidence, that I gave implicit credit to him. Many attempts were made to establish it in evidence, which failed of legal proof; but as I thought so well of Kissen Juan Dofs, and as it would have been extremely hard, if such a paper had existed, that the Prisoner should be deprived of the benefit of it, I said (having first asked the consent of my Brethren), that, though it was not strictly evidence, I would leave it to you to give such weight to it

it as you thought it deserved. I still leave it to you; and if you believe that such a paper ever existed, it would be the highest injustice not to acquit the Prisoner.

Attempts were made to bring this to the knowledge of Mohun Persaud; and if it did exist, and was in the knowledge of Mohun Persaud, this prosecution is most horrid and diabolical. Mohun Persaud is guilty of a crime, in my apprehension, of a nature more horrid than murder.

But, I own, what passed after the Counsel for the Prisoner had closed his evidence, has very much weakened the confidence I had in Kissen Juan Dofs. The Counsel did not desire that he should be called, assigning as is usual for their reason, that they had forgot to examine to any particular point which was contained in their instructions; but we are informed that the Maha Rajah had something to say. All that he says is, That he desires Kissen Juan Dofs may be further interrogated as to the Kurfa Nama. The question then is immediately put to him, Whether he ever explained the Kurfa Nama to Mohun Persaud? and then he gives the account of Mohun Persaud's having seen it at Maha Rajah Nundocomar's.

When he is examined to the reason of his not having told it before, all that simplicity, all that air of truth and candor, which we had remarked in him, instantly vanished; his looks were cast down, his tongue faltered, he prevaricates, he contradicts himself, he did not seem the same man. "He did not tell, because he was not asked." "He did not mention it to Maha Rajah Nundocomar in his letter, because he was afraid of Mohun Persaud." "He did not mention, because he did not recollect it." "He did not deliver it in evidence, because afraid of Mohun Persaud." Mohun Persaud is a great man. He was not afraid to write the letter. He did not shew the letter to Mohun Persaud: why should he be afraid to insert this circumstance? If he now stands in so much fear of Mohun Persaud as not to mention this in his evidence, was he so much afraid of him when he vo-

luntarily and directly confronted him as to the army books?

All this fear arises from no recent threat: it is in consequence of a conversation at the distance of some years.

It is for you to determine how far he really stands in awe of Mohun Persaud, and what the effects of that intimidation was when he delivered his evidence.

It is strange, as the witness was so often examined, and so particularly to this Kurfa Nama, that Maha Rajah Nundocomar never before suggested this matter to his Counsel.

If this latter part of Kissen Juan's evidence is true, he must be either guilty of perjury or very strong prevarication in his former evidence. Being asked as to Mohun Persaud and Gungabissen's knowledge of the entry made from the Kurfa Nama? He says, "I cannot say that Mohun Persaud and Gungabissen knew of it at the time of the entry; they knew of it afterwards. How can I tell when they knew of it first? They must have known it from the papers in the Dewanny Audalet; they were all called for there. I should tell, if I knew Gungabissen or Mohun Persaud knew of the entry."

He must have known it was more material to prove that they knew of the Kurfa Nama itself, in which the particulars of the account which formed the sum in the entry were wrote, and which Bollakey Dofs had signed. But he presently afterwards positively says, That Mohun Persaud and Gungabissen were not acquainted with the accounts.

In another part of his evidence, he says to Pudmohun Dofs, "Make my mind easy about the Bond we are now paying, or (for there was a doubt in the interpretation) which we have paid."

The time that this explanation was made at Maha Rajah Nundocomar's is not ascertained; but it must have been before the payment of the Bond; for afterwards it could be of no use. If then Kissen Juan Dofs had before seen this Kurfa Nama, and explained it to Mohun Persaud, why did he demand that his mind should be made easy about the Bond?

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and how was it made easy, only by the production of a paper that he had seen before?

I am much hurt, to be obliged to make these observations on the evidence of a man that I entertained so good an opinion of. I must desire you to recollect, with regard to this observation, and every one that I submit to you, that you are to make no farther use of them, than as they coincide with your opinions and observations; and when they do not, you should reject them; for it is you, not I, that are to decide upon the evidence.

Attempts were made, by means of Mohun and other Witnesses, to impeach Mohun-perfaud, by particular facts, of attempts to suborn, and by general character. You must judge how far they have succeeded. They totally failed in the same attempts, as to Comaul O Deen.

It is to be observed, likewise, that no person has been called to impeach the Witnesses brought by the Defendant.

There are many observations to be made in favour of the Prisoner; and I am sure your humanity will prompt you to enforce them, as far as they will bear.

I before said, that the defence, if believed, was a full refutation of the charge; it is not only so, but it must fix an indelible mark of infamy on the Prosecutor.

There are four positive Witnesses of the actual execution of the Bond by Bollakey Dofs.

In opposition to Comaul's evidence, there are as many to prove, that the Witness attesting was another Comaul.

Matheb Roy was not mentioned by the evidence for the Crown. Four Witnesses saw him attest it; and two other Witnesses, one of them his brother, likewise prove that there was such a person.

In opposition to Rajah Nobkissen and Pattock, who swear the name Sillabut to the Bond, is not of Sillabut's hand-writing; four Witnesses swear positively to the having seen him write it.

Much depends in this prosecution on the evidence of Mohun Perfaud: you must judge how far his credit has been shaken: most of you know him: you must determine how far he deserves credit; and how probable it is, that he would, through malice, or any other corrupt motive, accuse an innocent person of a capital crime. If you think him capable of it, you should not give the least attention to his evidence. He swore positively to the Bond produced by Maha Rajah Nundocomar, and for which the Company's Bonds were given, being the same Bond that was produced in evidence; he said, he knew it from circumstances, but did not explain what those circumstances were; this I mention as going to his credit only; for the whole defence proceeds on indentifying this Bond, and proving it a true one.

You will judge how far he is contradicted by Kissen Juandoss, as to the army books; and which of the two are to be believed.

An imputation was attempted to be thrown on Mohun Perfaud, for preventing Gunga Visier from attending, who was said to be able and willing to appear as a Witness: but that has been cleared up, to the full satisfaction of us; and, I do not doubt, to your satisfaction likewise. He could not be called by the prosecutor, on account of his interest; and no prejudice should accrue to the Prisoner, for not calling him, for the same reason.

The Counsel for the Prisoner have urged the hardship of this prosecution being brought at this distance of time. You have heard when Mohun Perfaud first suspected the forgery; and when, by Comaul's declaration, he had reason to be confirmed in the suspicion.

You have heard, when the Papers were delivered out of the Court; if there has been any designed delay, and you think Mohun Perfaud had it in his power to carry on an effectual prosecution before he has; it is a great hardship to Maha Rajah Nundocomar, especially as the Witnesses to the Bond are all dead; and you ought to consider this among

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the other circumstances which are in his favour. Though, to be sure, this hardship is much diminished, as there were so many Witnesses still alive, who were present at the execution of it.

There are two pieces of written evidence relied on by the Prisoner: one, the entry in the book from the Kurra Nama, on account of the agreement of the sums; and you will find that the sums said by Kissen Juan Dofs to be contained in the Kurra Nama; viz.

Durbar expences	6,000 R°
Bond Batta and premium	69,630 7
Do amount to the sum of	75,630 7

which is the sum in the entry,

The other is the account delivered by Mohun Persaud and Pudmohun Dofs, subsequent to the account delivered in by Pudmohun Dofs, in which Pudmohun Dofs had taken credit for this sum; and the subsequent account likewise contains it.

I do not think much can be drawn from this, for the sums had, as Mohun Persaud says, been paid, and therefore they certainly would take credit for them, to prevent their being charged with them; this they would do, were the monies properly or improperly paid.

There is certainly great improbability that a man of Maha Rajah Nundocomar's rank and fortune should be guilty of so mean an offence for so small a sum of money.

It is more improbable, as he is proved to have patronized and behaved with great kindness to Bollakey Dofs in his life-time, that he should immediately after his decease plunder the widow and relations of his friend.

There does likewise appear to have been a suit in the Audalet, which must have been a Civil suit; but it does not indeed appear that Mohun Persaud was a party; and, indeed, for what reason I know not, neither side have thought fit to produce the proceedings.

I have made such observations on the evidence as the bulk of it, and the few minutes I had to recollect myself, would allow me to make.

You will consider the whole with that candour, impartiality, and attention, which has been so visible in every one of you during the many days you have sat on this cause.

You will consider on which side the weight of evidence lies; always remembering, that in Criminal, and more especially in Capital cases, you must not weigh the evidence in golden scales; there ought to be a great difference of weight in the opposite scale before you find the Prisoner Guilty. In cases of Property, the stake on each side is equal, and the least preponderance of evidence ought to turn the scale; but in a Capital case, as there can be nothing of equal value to life, you should be thoroughly convinced, that there does not remain a possibility of innocence before you give your verdict against the Prisoner.

The nature of the defence in this case is such, that, if it is not believed, it must prove fatal to the party; for if you do not believe it, you determine, that it is supported by Perjury, and that of an aggravated kind, as it attempts to fix perjury and subornation of perjury on the Prosecutor and his Witnesses.

You will again and again consider the character of the Prosecutor and his Witnesses, the distance of the prosecution from the time the offence is supposed to be committed, the proof and nature of the confessions said to be made by the Prisoner, his rank and fortune. These are all reasons to prevent your giving a hasty and precipitate belief to the charge brought against him; but, if you believe the facts sworn against him to be true, they cannot alter the nature of the facts themselves. Your sense of Justice, and your own feelings, will not allow you to convict the Prisoner, unless your consciences are fully satisfied beyond all doubt of his Guilt. If they are not, you will

will bring in that verdict, which, from the dictates of humanity, you will be inclined to give; but, should your consciences be thoroughly convinced of his being Guilty, no consideration, I am sure, will prevail on you not to give a verdict according to your oaths.

The Jury retired for about an hour; and brought in their verdict, Guilty.

G L O S S A R Y.

- ADAWLUT.* Literally signifies Justice; but often used for a Court of Justice.
- Arzee.* A representation in writing, or letter from an inferior to a superior.
- Banyan.* A particular Cast amongst the Hindoos.
- Batta.* Difference of exchange upon coins.
- Chucklab.* A District.
- Consumab.* A Household Steward.
- Cooly.* A Labourer, or Porter.
- Cossid.* A Messenger.
- Darogah of a Cutcheree.* Superintendant of a Court.
- Durbar Expences.* Money given to persons in power.
- Ferd.* An Arabic word, expressing Unity; but technically signifies a Sheet of Paper, containing an Account.
- Foujedurree.* A particular office under the Government.
- Gold Mohir.* Sixteen rupees.
- Gomastah.* Agent.
- Gurree.* A portion of time containing about 22 minutes.
- Hircarrab.* Litterally a Spy; but commonly means a person who runs on messages, and attends the palanquin.
- Jamma.* Part of the dress of a native of India.
- Jammah.* Debit side of an account.
- Kbalsa.* Exchequer.
- Khelaat.* A dress of investiture given to a person upon his nomination to an office.
- Kidmutgar.* A Waiting Servant.
- Kulghab.* An ornament for the Turban.
- Kuttree.* A particular Cast amongst the Hindoos.
- Mohirir.* A Writer.
- Moonshce.* A Secretary or Writer.
- Mullah.* A Teacher.
- Nuzzar.* A present of compliment made by an inferior when introduced to a superior.
- Peon.* A Footman, or person to go on messages.
- Pottah.* Title Deed.
- Ruffeek.* Litterally a Friend; but means all through this trial a half-friend and half-dependant.
- Serpaiche.* An ornament for the Turban.
- Sewarree.* Equipage.
- Shroff.* A Banker, an Exchanger of money.
- Sunnud.* A grant from the Government or its Officers.
- Tzaradar.* A Farmer.
- Vakeel.* An Attorney.

E R R A T A.

Page 9. Column 1: at the top, before of a bond, read, reasons given, these words in the form of a bond, &c.

P. 48. for Oblaboo, r. Obdaboo.

P. 63. for Punsaw, r. Pinjaw.
for Puchaa, r. Puchaus.
for Huzzaars, r. Huzzaar.

P. 65. for 45, r. 14.

E R R A T A

Page 2. Column 1. at the top before a line read, replace given the same in the text

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